

MUYA AND COMPANY

LEGAL PRACTITIONERS

(Advocates, Commissioners For Oaths
& Notary Public)

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Our Ref:

Your Ref:

For the attention of: **Z.M. MUYA**

21st June, 2025

Hon. Mr. Chipoka Mulenga, MP
Minister of Commerce, Trade and Industry
Ministry of Commerce, Trade and Industry
Lusaka

Dear Honourable Minister,

**RE: URGENT COMPLAINT REGARDING UNLAWFUL HANDOVER AND
ILLEGAL OPERATIONS ON SENSELE TENEMENT – OB19, OB4, OB5,
TD2, COP A, C, and E**

1.0 Introduction

- 1.1. We make reference to the above captioned matter.
- 1.2. Kindly be advised that we act for and on behalf of **SENSELE ENTERPRISES LIMITED** (hereinafter referred to as “our client”), and accordingly, we write to place you on formal notice of our professional interest.
- 1.3. We are instructed to express our client’s gravest concern regarding your actions on 21st June 2025, which involved the unauthorized and unlawful handover of our client’s legally held mining tenement in Chingola—licensed under **Small-Scale Mining Licence Nos. 8723-HQ-SML and 8724-HQ-SML** (hereinafter collectively referred to as the “Sensele Mining Tenements”)—to unlicensed and unauthorized individuals and entities.

MANAGING PARTNER:

Zachariah M. Muya - LLB (UNZA), AHCZ, NOTARY PUBLIC

ASSOCIATES: - NDOLA

Nancy Chila Matowe - LLB (UNZA) AHCZ

Mercy M. Muya - LLB (ZAOU)AHCZ

Angela Mukosa -LLB (UNZA)AHCZ

Kasalwe Muya-LLB (UNZA) AHCZ

Mwitwa Monde. Chabala - LL.B (UNZA) AHCZ

LUSAKA

Phill Chola Muya - LLB (UNZA), AHCZ

Abel Longwe - LLB, LLM (UNILUS) AHCZ

1.4. As is now publicly documented via widely circulated video recordings, you personally presided over this unlawful handover. We are further instructed that you appointed one “Laila” and a Chinese company as the “contractors” to represent the interests of the illegal miners—actions which appear to serve your personal interests and not any lawful regulatory or public policy function.

2.0. Exclusive Legal Rights of Sensele Enterprises Limited

2.1. Kindly be informed that as the legitimate and registered holder of the Sensele Mining Tenements and pursuant to the **Minerals Regulation and Commission Act No. 14 of 2024** (“MRCA 2024”), our client possesses exclusive rights to undertake mining operations within the said tenements. These rights are not subject to interference, administrative override, or informal reallocation.

3.0. Ultra Vires Conduct and Statutory Breaches

3.1. Kindly be advised that your unilateral actions amount to a clear contravention of **Section 10(1)** of the MRCA 2024, which prohibits mining operations by any party lacking a valid licence. In addition, **Section 46** of the same Act forbids any transfer, assignment, or encumbrance of a mining right without prior approval from the Commissioner. Your conduct, in the absence of such approval, is therefore ultra vires and manifestly unlawful.

4.0. Violation of Constitutional Rights

4.1. Your actions further breach **Article 16 of the Constitution of Zambia**, which guarantees protection against deprivation of property without due process. The dispossession of our client’s tenement, absent lawful justification or notice, undermines the rule of law, legal predictability, and investor confidence in Zambia.

5.0. Public Safety Concerns – Sensele Disaster (December 2023)

5.1. We remind you of the fatal disaster of December 2023, when an uncontrolled mudslide—resulting from unsafe, informal mining at the Sensele site—claimed the lives of over thirty miners. Your recent actions directly invite repetition of that national tragedy and potential exposure to legal and moral liability for any similar outcomes.

- 5.2. Be advised that your actions are not only unlawful and injurious to our client but also constitute a grave dereliction of public duty, thereby causing reputational, legal and economic harm to the Republic of Zambia.

6.0. **Reputational and Investment Risk**

- 6.1. Your conduct risks irreparable damage to Zambia's reputation as a safe, rules-based investment destination. It contradicts national policy on formalised mining and sends dangerous signals to foreign and domestic investors regarding the enforceability of legal rights in the mining sector.

7.0. **Violation of Interim Injunction Order in Cause No. 2025/HN/187**

- 7.1. Be further advised that on 13th May 2025, the High Court of Zambia sitting at Ndola granted an Ex-parte Interim Injunction under Cause No. 2025/HN/187, restraining "any person howsoever from entering upon the Sensele mining tenement" pending hearing of an application for Interlocutory Injunction.
- 7.2. Despite being served with this Order, your actions—personally authorizing the handover and encouraging illegal operations—constitute a willful and knowing violation of a court order.
- 7.3. We are further instructed that a Chinese national identified as "Shu" has commenced illegal mining operations on OB19, a subsection of our client's tenement. A dated communication from our client's representative confirms that Shu is operating with apparent ZNS protection, in circumstances that suggest a deliberate defiance of official GRZ policy.
- 7.4. Additionally, illegal mining has reportedly commenced on OB4, OB5, TD2 and COP A, C, and E. These areas also fall within our client's tenement and are now occupied by illegal miners and heavy machinery, operating without lawful authority.
- 7.5. This development amounts to mineral theft, trespass, and contempt of the Court's order. It gravely endangers public safety and our client's investment, and raises critical questions regarding the institutional authorization—if any—behind these acts.

8.0. **Our Client's Demands**

- 8.1. Consequential to the foregoing, our client has suffered loss and damage. Accordingly, we **HEREBY DEMAND** that you, in your

personal capacity, pay to our client the sum of: **USD 20,000,000.00 (TWENTY MILLION UNITED STATES DOLLARS)** within **fourteen (14) days** from the date hereof.

- 8.2.** Accordingly, we **FURTHER DEMAND** that you immediately:
- i. Cause an immediate cessation of all unauthorized activity on the entirety of the Sensele Mining Tenements;
 - ii. Retract any directive or public communication purporting to authorize third-party entry or activity on our client's tenements;
 - iii. Publicly reaffirm our client's exclusive mining rights and legal protections under Zambian law.
- 8.3.** Our client stands ready to furnish your office with the video evidence, dated correspondence, and geolocation data confirming the illegal operations referenced herein.

9.0. Notice of Legal Consequences

- 9.1.** Be hereby placed on notice that our client intends to pursue not only civil claims for damages against you in your personal capacity, but also all necessary steps to enforce compliance with the Court's orders, including committal proceedings for contempt.
- 9.2.** Our client further reserves the right to apply to the Courts of the Republic of Zambia for a declaration regarding your competence as a Minister. The same will be on the grounds that you have acted ultra vires, and have affected the legal rights of our client.
- 9.3.** Further, should any injury or loss of life occur as a result of ongoing unauthorized activity at the site, our client will hold you personally responsible.

Yours faithfully,


MUYA AND COMPANY

Encl: Ex parte Interim Injunction Order dated 13th May 2025 under Cause No. 2025/HN/187

Cc:

- The Chairperson, Minerals Regulation and Commission
- All Directors, Sensele Enterprises Limited

PENAL NOTICE: TAKE NOTICE that in the event that you within named Respondents whether by yourselves, agents, servants or otherwise howsoever disobey this Order, you may be held to be in contempt of Court and liable to term of imprisonment.

**IN THE HIGH COURT OF ZAMBIA
AT THE NDOLA DISTRICT REGISTRY
HOLDEN AT NDOLA
(Civil Jurisdiction)**



2025/HN/187

BETWEEN:

SENSELE ENTERPRISES LIMITED

APPLICANT

AND

NATIVE CONSULTING LIMITED

1ST RESPONDENT

MIKE SIMBULE

2ND RESPONDENT

KANJILENI SUPPLIES

3RD RESPONDENT

EX-PARTE ORDER OF INTERIM INJUNCTION

UPON HEARING Counsel for the Applicant;

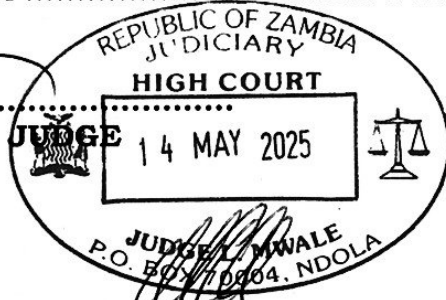
AND UPON READING the affidavit filed in support of this application and the Applicant undertaking to abide by any order the Court may make as to damages in case the Court should hereafter be of the opinion that the Respondent shall have sustained any by reason of this order which the Plaintiff ought to pay;

IT IS HEREBY ORDERED that the Respondents whether by themselves, agents or otherwise **BE** and are **HEREBY** restrained from entering upon, Sensele mine under mining licenses Nos. 8723-HQ-SML and 8724-HQ-SML or purporting to act for and on behalf of the Applicant by virtue of any Power of Attorney or Agreement pending the inter-parte hearing and determination of the application for an Order of Interlocutory injunction.

The inter-parte hearing of this application shall be held on the....^{21st}..... day of
.....^{May}.....2025^{@ 08:30hrs} and; that costs of and incidental to this application
are in the cause.

Dated at Ndola this..... day of 2025.

.....
THE HONOURABLE JUDGE



Per: MESSRS MUYA AND COMPANY

1st Floor, Beverly House

President Avenue

P.O Box 71322

Email: info@muyaco.com

NDOLA

ADVOCATES FOR THE APPLICANT

To: **MESSRS GM LEGAL PRACTITIONERS**

Stand No.2,

Choma Avenue, Parklands

Kitwe.

ADVOCATES FOR THE RESPONDENTS