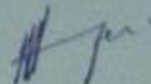


**DATED** at Mongu this

day of

,2018.

This statement of claim was prepared and filed by:



Lutangu Sinonge  
Barotse Human Rights Defender  
Mulambwa Compound  
Plot No. 1869  
P.O Box 910375  
Cell: 0979 435035  
EMAIL:bfna.infor@gmail.com  
Mongu

**PLAINTIFFS.**

**TO:** The Attorney-General  
Attorney-General's Chambers  
Ministry of Justice  
New Kent Building, 3rd Floor, Haile Selassie Avenue  
P.O Box 50106, Ridgeway  
Lusaka  
**ADVOCATES FOR THE DEFENDANTS**

REPUBLIC OF ZAMBIA

WRIT OF SUMMONS

(For issue from the Principal Registry)

IN THE HIGH COURT FOR ZAMBIA

BETWEEN:

LUTANGU SINONGE (SUING AS BAROTSE HUMAN RIGHTS DEFENDER) PLAINTIFF

AND

ATTORNEY-GENERAL

DEFENDANT



2018/HT/07

TO: The Attorney-General, Attorney-General's Chambers, Ministry of Justice, 3rd Floor, New Kent Building, Haile Selassie Avenue, P.O. Box 50106, Ridgeway, **LUSAKA**.

You are hereby Comanded 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 Mulambwa Compound, Plot No. 1869, P.O. Box 910375, Cell: 0979435035, **MONGU**; and take notice that in default of your so doing the plaintiff may proceed therein, and judgment may be given in your absence.

WITNESS the Honourable **Madam Justice Ireen Chirwa Mambilima**, Chief Justice of Zambia the in the Year of Our Lord Two Thousand and Eighteen.

*Memorandum to be subscribed on the writ*

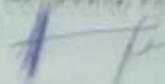
- Notes: (1) This writ to be served within twelve calendar months from the date thereof, or, if renewed, within six calendar months from the date of the last renewal, including the day of such date, and not afterwards.
- (2) The defendant (or defendants) may appear hereto by entering an appearance (or appearances) either personally or by solicitor at the principal Registry, High Court for Zambia, Lusaka.
- (3) A defendant appearing personally may, if he desire, 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*

The Plaintiff's claim recounted in more detail in the statement of claim is for the following reliefs:

- (i) Exemplary damages arising from continued victimization and violation of Plaintiffs' rights and freedoms by State machinery and in particular Zambia Police Force personnel for merely being clad in attire bearing printed matter and/or expression of patriotism couched "I LOVE BAROTSELAND";
- (ii) An order of injunction to restrain the Zambia Police Force and other security wings of the State from abusing their authority by conducting or threatening to conduct arbitrary arrests against persons who are championing the desirability to address, through lawful means, the much-touted Barotseland Agreement, 1964.
- (iii) Prohibition Order directing the Zambia Police Force and Constitutional Office-holders and officers employed in the public service generally, to desist from practicing hate speech and undermining traditional leadership and the Office of His Majesty the Litunga of Barotseland in particular.
- (iv) Any other relief as to the Court may deem fit to award and
- (v) Costs.

This writ was issued by Lutangu Sinonge of Mulambwa Compound, Plot No. 1866, P.O. Box 910375, Cell: 0979435035, **MONGU**



*Endorsement to be made within THREE days after service*

This writ was served by me at

On the defendant \_\_\_\_\_ on the \_\_\_\_\_ day  
of \_\_\_\_\_, 2017

Endorsed the \_\_\_\_\_ day of \_\_\_\_\_, 2018

(Signed)

(Address)

Here insert court, actual and postal addresses

Indicate the day or town and also name of the street and number of the house of the plaintiff's residence, if any

IN THE HIGH COURT FOR ZAMBIA  
AT THE MONGU DISTRICT REGISTRY  
HOLDEN AT MONGU  
(CIVIL JURISDICTION)

2018/HT/ 07

IN THE MATTER OF: ISSUANCE OF COURT PROCESS PURSUANT TO ORDER VI  
RULE 1 OF THE HIGH COURT RULES (HCR) MADE UNDER CHAPTER 27 OF THE  
LAWS OF ZAMBIA.

BETWEEN:

LUTANGU SINONGE  
(SUING AS BAROTSE HUMAN RIGHTS DEFENDER)

PLAINTIFF

AND

ATTORNEY-GENERAL

DEFENDANT



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### STATEMENT OF CLAIM

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1. The Plaintiff was at all material times a member of Barotse Human Rights Defender
2. The Defendant is sued by virtue of the omissions of its servants serving in the Public Service pursuant to State Proceedings Act.
3. On or about 21st March, 2018, one Chimpasa, Officer Commanding at Mongu Central Police Station in the Mongu District of the Western Province of the Republic of Zambia did summon the Plaintiff and six other Barotse Human Rights Defenders among whom was the senior activist, Mr. Mutumba Lyamba, for interrogations in connection with the regalia designed as work-suits bearing printed matter and/or expression of patriotism couched: **"I LOVE BAROTSELAND"**.
4. During the process of interrogation over the attire, the Officer-Commanding, Mr. Chimpasa, threatened to order for instant arrest of the Plaintiff and cautioned that

anyone who would be spotted wearing work-suit with BarotseLand self-determination activism writings after 14:00 hours of that day, and thereafter, would be met with full force of the law for wearing of what the Officer-Commanding repeatedly considered as "alarming apparel capable of causing despondency on a wider scale" due to the sensitive and global nature of the ideals and objectives for which the Barotse people stand for.

5. In the quest of seeking clarification on whether or not Barotse activism regalia formed part of military attire prohibited at law, the Officer-Commanding, Mr. Chimpassa, who was flanked by other Police Officers on duty, retorted thus:

**"Me I am a pure Bemba; and I know what your crossed arms symbol means and stands for; the regalia contains hidden message that does not give us comfort as Bembas!"**

6. It is an open secret that the conduct of the police officer borders, substantially, on hate-speech and has the propensity of propagating anarchy given the equally disturbing Report submitted by the Ministry of Chiefs and Traditional Affairs-Provincial Office dated 17th November, 2014 to the then Permanent Secretary, Western Province, wherein it was recounted by its author a Mr. Nachimwenda Edson to Mr. Augustine Seyuba thus:

**"I wish to refer to the above-matter and your directive that I present a Report on my BRE II Assignment immediately. Sir, in view of the above,**

I write to report that my assignment is 80% complete on BRE and on some Lozi officers that includes your Deputy and mine who are still crazy about the by-gone powers of their Litunga. Sir, my partial Report is hereby attached to this Minute as you directed in the last briefing. In addition Sir, Lozis are one of the most disorganized tribe/group. In this line, I wish to mention and assure you sir that I still have strong ties with some of the senior Indunas in Limulunga who are close to Litunga and influential, you know them sir. This sir, is despite the fact that the Lukulu Chief, who is the Litunga's younger brother seems to no longer trust me. As for the Lozi officers, they are not a big issue, because most of them are under our control; your Deputy is retired and still trust me; and my Deputy sir, is not an issue, the Nkoya of Lukena and Mbunda of Chinyengele/ Chieke have done justice to my work and made it easier , after the elections, he will be out of the Province. I will present a complete Report of this one soon."

7. Sinonge Lutangu, as a Barotse Human Rights Defender, shall at trial of the matter aver that it has an obligation to protect and remain committed and vigilant and will stop at nothing to love Barotseland and champion the need for amicable settlement of the Barotseland Agreement, 1964 question without fear of apparent intimidation from any quarter or State Police as reiterated at both local and international fora on key aspects touching on tenets of good governance.

8. For the reasons aforesaid, the Plaintiff's claim is for :

- (i) Exemplary damages arising from continued victimization and violation of Plaintiffs' rights and freedoms by State machinery and in particular Zambia Police Force personnel for merely being clad in attire bearing printed matter and/or expression of patriotism couched **"I LOVE BAROTSELAND"**;
- (ii) An order of injunction to restrain the Zambia Police Force and other security wings of the State from abusing their authority by conducting or threatening to conduct arbitrary arrests against persons for championing the desirability to address, through lawful means, the much-touched Barotseland Agreement, 1964.
- (iii) Prohibition Order directing the Zambia Police Force and Constitutional Office-holders and officers employed in the public service generally, to desist from practicing hate speech and undermining traditional leadership and the Office of His Majesty the Litunga of Barotseland in particular.
- (iv) Any other relief as to the Court may deem fit to award ;and
- (v) Costs.