

Kabwe lead poisoning claimants will appeal judgment denying class action against Anglo American

16 December, 2023, Kabwe, Zambia

Children and women who allege lead poisoning caused by a former Anglo American-owned lead mining operation in Kabwe, Zambia are determined to appeal a Johannesburg High Court judgment that their claim cannot proceed as a class action.

The 12 claimants who brought the case on behalf of an estimated 140,000 Zambian women and children who have suffered lead poisoning, which caused and continues to cause permanent brain damage, say they are hugely disappointed by the ruling issued on Saturday 16 December 2023. This is the clear message conveyed to their lawyers, Zanele Mbuyisa **and** Richard Meeran at meetings in Kabwe today.

In a 126-page judgment delivered yesterday evening, Justice Windell of the Johannesburg High Court ruled that a claim against Anglo American South Africa (AASA) over widespread lead poisoning across Kabwe, Zambia cannot proceed as a class action.

The claim is against AASA, the Johannesburg-based former head office parent company of the Anglo American Group.

The class action was filed in South Africa as it would not have been possible for the claimants to obtain access to justice in Zambia. Amnesty International and a number of United Nations agencies intervened at the certification hearing to argue that Anglo American's opposition to the class action was contrary to its own human rights policy and publicly stated human rights commitments.

The claimants are represented by law firm Mbuyisa Moleele Attorneys with Leigh Day acting as consultants. In a joint statement, Leigh partner Richard Meeran and Mbuyisa Moleele founding partner, Zanele Mbuyisa said:

"We are extremely disappointed by the judgment, which we consider to be fundamentally flawed.

"We remain committed to securing justice for the 140,000 women and children affected by lead poisoning in Kabwe and the communities have made their intention to appeal very clear.

"We are very grateful for the support shown by everyone who has worked on this case in our continued pursuit of the best possible outcome for those affected by lead poisoning in Kabwe."

ENDS