

STATE ATTORNEY

Yusuf Baba

SGT NOMPILO NGWENYA

BY EMAIL

Date: 24/04/26

Our ref: CIV/LUNGU/

Your Ref:

**RE: UNLAWFUL SEIZURE, REMOVAL AND POST-MORTEM OF THE BODY OF THE LATE
FORMER PRESIDENT OF THE REPUBLIC OF ZAMBIA, MR EDGAR LUNGU**

1. We address this correspondence on behalf of our respective clients , First to Seventh Respondents, being the surviving spouse and family of the late former President of the Republic of Zambia, Mr Edgar Lungu, .
2. The correspondence is addressed to you in circumstances of the utmost gravity arising from the events culminating on 22 April 2026. These events must be understood against the binding Court Order granted on 8 August 2025, which expressly regulated the manner in which the body of the deceased was to be handled, surrendered, and dealt with, including that such surrender was to be effected solely through the Sheriff of the Court and in the presence of specifically identified individuals, and not by members of the South African Police Service acting unilaterally.
3. Notwithstanding the aforesaid Order, and despite full knowledge thereof, members of the South African Police Service, acting under the direction of the investigating team and in concert with the prosecution, proceeded to take possession of the body in a manner wholly inconsistent with and in direct contravention of the Court's order.

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4. This conduct was compounded by the inquest proceedings held on 31 March 2026 before the Randburg Magistrates' Court, where Senior Public Prosecutor Yusuf Baba appeared for the prosecution and Sergeant Nompilo Ngwenya acted as the investigating officer under Brigadier Sefalotse. The court at such proceedings directed that the parties exchange submissions on whether an inquest could lawfully proceed in the face of the High Court Order stating otherwise the matter was remanded for hearing on the 29th May 2026. Notwithstanding this directive, and before the issue could be determined, SAPS proceeded to seize the body and initiate forensic processes.
5. The position reached its most egregious point on 22 April 2026, when the Honourable Justice Francis Subbiah granted a further Court Order directing, *inter alia*, that the body of the late Mr Edgar Lungu be returned without any delay to the custody of Two Mountains Burial Services (Pty) Ltd, alternatively to a mortuary nominated by the family, expressly interdicting the handing over of the body to SAPS, and calling upon the relevant parties to show cause why they should not be held in contempt of court. Despite the aforesaid Order being duly served on all relevant parties, and notwithstanding that receipt of such Order was acknowledged, members of SAPS nevertheless proceeded to conduct a post-mortem examination on the body of the deceased in brazen disregard of the High court's order.
6. Notwithstanding both Orders, SAPS retained possession of the body and proceeded to cause or permit a post-mortem, DNA sampling, and identity verification processes to be conducted without the consent, knowledge, or presence of the family and without lawful authority from a competent court.
7. We are further instructed, and it has since come to our attention, that the post-mortem examination was conducted in the presence of various members of the South African Police Service, as well as diplomatic representatives of the Government of the Republic of Zambia, who proceeded to take photographs and video recordings of the body of the late President during the course of such procedures. This occurred in circumstances where our clients, being the lawful family and rights-bearers, were neither notified, consulted, nor afforded any opportunity to be present. This conduct has caused profound distress and has, quite plainly, added insult to the family's grief.

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8. It has further come to our attention that Sergeant Nompilo Ngwenya, in her capacity as the investigating officer, demanded that the Chief Pathologist conduct the post-mortem examination, notwithstanding the existence of the binding Court Orders regulating the handling of the body. This conduct raises serious concerns regarding the propriety, lawfulness, and independence of the processes that were undertaken.
9. Of equal concern is the fact that SAPS refused and/or failed to disclose the location of the body to the family when requested to do so. In light of the above conduct, the reasons for such refusal now appear self-evident and further underscore the extent to which the process was conducted outside the bounds of transparency, legality, and respect for the rights of the family.
10. We are further instructed that reliance has been placed on the alleged lapsing of an appeal to justify these actions. That position is fundamentally misconceived and legally untenable, as even if such lapse were to be accepted, which is denied, the legal consequence would have been to render the High Court Order fully operative and binding, requiring strict compliance therewith. At no stage did such alleged lapse confer authority upon SAPS to act outside the parameters of the Order, and it is therefore beyond dispute that SAPS had no lawful authority to take possession of the body, to exclude the Sheriff, or to bypass the presence of the designated individuals stipulated in the Order.
11. Of even greater concern is that the invasive forensic procedures, including the post-mortem and DNA sampling, were conducted in circumstances where no prima facie evidence or credible basis was placed before a competent court to justify such measures. Allegations of poisoning were not supported by objective evidence, the family member who was alleged to have stated such had under oath denied any such suspicion, and no corroborative material was produced. This gives rise to serious and legitimate concerns regarding the true purpose and motivation behind the actions of SAPS and the prosecution.
12. The conduct described herein, viewed holistically, constitutes a flagrant disregard of binding court orders, a clear usurpation of the judiciary and the power it holds, and a profound violation of the rule of law. It has further had the effect of causing immense

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- distress, anguish, and additional trauma to a grieving family who were entitled to dignity, respect, and lawful process in the handling of the remains of their loved one.
13. In the premises, we are instructed to place on record that our clients regard the conduct of SAPS and the prosecution as unlawful and in direct contravention of the court of law. We accordingly call upon you, as a matter of urgency, to provide a full and detailed explanation of the legal basis upon which the body was seized, the authority relied upon to conduct the post-mortem and DNA procedures, and copies of all subpoena's relied upon.
 14. Failing a satisfactory response, our clients reserve all their rights to institute appropriate proceedings against all responsible parties without further notice.
 15. Be guided accordingly

Kind Regards,

Signed electronically

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