AMENDED ONCE WITH LEAVE OF COURT

IN THE HIGH COURT FOR ZAMBIA **2026/HP/EP/039**
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(Civil Jurisdiction)

IN THE MATTER OF:	**ARTICLE 73 (1) OF THE CONSTITUTION OF ZAMBIA (AMENDMENT) ACT NO. 2 OF 2016 OF THE LAWS OF ZAMBIA**
IN THE MATTER OF:	**SECTIONS 72, 76, 87, 97, 98, 99, 100 AND 108 OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016 OF THE LAWS OF ZAMBIA**
IN THE MATTER OF:	**RULE 9 OF THE HIGH COURT (ELECTION PETITION) RULES, 2026 OF THE LAWS OF ZAMBIA**
AND	
IN THE MATTER OF:	**AN ELECTION PETITION RELATING TO THE CHILUBI CONSTITUENCY PARLIAMENTARY ELECTION**

BETWEEN:

SIMON MUSONDA MUWA **PETITIONER**

AND

MATHIAS CHITEMBO **1ST RESPONDENT**

ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

REPUBLIC OF ZAMBIA HIGH COURT OF ZAMBIA 07 SEP 2026 PRINCIPAL REGISTRY P.O. BOX 50067, LUSAKA.

AMENDED AFFIDAVIT VERIFYING FACTS

I, **SIMON MUSONDA MUWA**, a Zambian National ordinarily resident at Plot No. 360, Linda Road, Bonaventure, Lusaka in the Lusaka District of the Lusaka Province of the Republic of Zambia, **DO HEREBY MAKE OATH AND SAY** as follows: -

1. That my full names and nationality are as stated above, and I am an adult male of sound mind, competent to depose to this my Affidavit.

2. That I was a candidate for the Chilubi Constituency Parliamentary seat in the General Election held on 13th August, 2026, and it is in this capacity, and from facts within my personal knowledge, information and belief, that I depose to this my Affidavit.

3. That the candidates who successfully filed nominations for the Chilubi Constituency Parliamentary seat included myself, standing under the Citizens First party (CF), and the 1st Respondent, Mathias Chitembo, standing under the United National Party for National Development (UPND), among other candidates.

4. That upon the close of the count of the votes cast in Chilubi District, the returning officer declared that out of a total of 32,418 votes cast, your I polled 2,760 votes, the 1st Respondent polled 10,429 votes, the remaining candidates polled a total of 28,187 votes between them, and that 1,460 ballot papers were rejected as invalid. There is now produced and shown to me exhibit marked **'SMM1'** being a true copy of the declaration of the results.

5. That the said total number of votes tabulated by the returning officer and indicated on the Declaration of Result (Form GEN 20b) do not match the total number of votes actually cast and a declaration upon arriving at a sum total of the votes polled by each individual candidate in addition to the total rejected votes.

6. That equally in the Presidential and Local Government elections held on the 13th of August, 2026 the said John Longwe, being the returning officer for Chilubi District, wrongly calculated and declared the total number of votes cast, as such declared total did not tally with the votes polled by each individual candidate in addition to the total rejected votes. There is now produced and shown to me exhibits respectively marked **"SMM2"** and **"SMM3"** being true copies of the declaration of the results for the presidential and council chairperson polls.

7. That I verily believe that the elections in Chilubi District were characterised by low voter turnout which led to less than 50% of the registered voters casting a ballot during the elections.

8. That as a result of the low voter turn-out and the lack of observation monitors at the various polling stations, cadres of the UPND party unlawfully placed pre-marked ballots into the ballot boxes at the polling stations.

9. That during the vote counting process at the respective polling stations neither myself nor my polling agents were not presented with copies of the Gen20 forms outlining the number of votes casts and the votes polled by each respective candidate.

10. That the said Gen20 forms at the polling stations were in fact never produced, thus the votes counted by the 2nd Respondent did not reflect the votes actually cast in the election and duly recorded in the Gen20.

11. That up to the time of filling this Petition my polling agents at the 93 polling stations have never granted neither myself nor my agents an opportunity to confirm any Gen20 form even after the same was requested for multiple times. That my agents have never had the opportunity to confirm or ascertain the accuracy of the election results.

12. That the District Commissioner for Chilubi District openly campaigned with state resources and also offered the electorate sums of money if they vote for the UPND candidate. That my agent did take a video of the said district commissioner actually promising to leave a ZMW3000 for the electorate for voting and endorsing the UPND the said video is named as "Video of Chilubi DC addressing voters" which was on 9th September 2026 extracted from my phone to a flash disk that I have attached herein. That a copy of the said video is now shown to me herein and marked as "SMM4"

13. That a group of people were caught on camera and a video which was taken on 13th August 2026 was circulated of the 2nd Respondent's polling staff pre-marking ballot papers. That the said video is named as "ECZ Agents pre marking ballot papers" and has been circulating on various social media platforms. That I further did extract the said video on to the flash disk attached hereto and marked as "SMM4".

14. That further to the above SMM4 also has photos and videos of myself at various polling stations to monitor the voter turnout across the constituency. The said pictures were taken on 13th August 2026 using my mobile phone and they are called images of polling station and the videos were taken on the very date titled video of petitioner casting vote.

15. That there was no public announcement at the totalling centre by the returning officer as the victory of the 1st Respondent was only known by myself after a Gen20 form was circulating on social media.

16. That the suspension of counting of votes by the 2nd Respondent also affected Chilubi Constituency which suspended all counting of vote for over 24 hours even after the 2nd Respondent uplifted the suspension.

17. That your Petitioner shall further aver that during the vote counting process of the elections held in Chilubi District, there were several acts of violence perpetrated by cadres of the UPND with the full knowledge of the 1st Respondent, and the servants and/or agent of the 2nd Respondent.

18. That I depose to the foregoing paragraphs verily believing the same to be true and correct to the best of my knowledge and belief.

SWORN by the said)
SIMON MUSONDA MUWA)
at Lusaka this 8 day)
of SEP 2026)

DEPONENT

BEFORE ME: _____
COMMISSIONER FOR OATHS

REPUBLIC OF ZAMBIA
CONSTITUTIONAL COURT OF ZAMBIA
0 8 SEP 2026
CLERK OF COURT
COMMISSIONER FOR OATHS
P.O. BOX 50067, LUSAKA

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ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

CERTIFICATE OF EXHIBITS

These are the true and correct exhibits referred to in the Affidavit sworn by one **SIMON MUSONDA MUWA** marked **"SMM1-4"**.

Dated at Lusaka the 7 **day of** SEP **2026.**

BEFORE ME: _____
COMMISSIONER FOR OATHS

REPUBLIC OF ZAMBIA
CONSTITUTIONAL COURT OF ZAMBIA
08 SEP 2026
CLERK OF COURT
COMMISSIONER FOR OATHS
P.O. BOX 50067, LUSAKA