IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(*Civil Jurisdiction*)

2026/HP/EP039

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 (ELECETION PETITION) RULES, 2026 OF THE LAWS OF ZAMBIA**
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
09 SEP 2026
PRINCIPAL REGISTRY 6
P.O. BOX 50067, LUSAKA

THE 2ND RESPONDENT'S AFFIDAVIT IN OPPOSITION

I, JOHN LONGWE a Zambian National and a Planner with Ministry of Education, residing in Muchinshi Township, Chilubi District in the Northern Province of the Republic of Zambia **DO HEREBY MAKE OATH AND SAY AS FOLLOWS**:

1. That my particulars are stated above.
2. That I was the Returning Officer for the Parliamentary Election in Chilubi Constituency engaged by the 2nd Respondent and therefore competent to swear this my affidavit from facts known to me personally and on record.
3. That I have read what purports to be the Affidavit verifying the Petition sworn by the Petitioner herein and respond thereto on behalf of the 2nd Respondent as hereunder.

4. That the Petitioner was a candidate in the Parliamentary Election for Chilubi Constituency of which he participated with other candidates that were duly nominated.
5. That I concur with the Petitioner that I declared the result of the Poll as stated in paragraph 4 of his Affidavit according to the results captured on Gen20b form relating to the Chilubi Constituency Parliamentary Elections. There is now shown and produced to me an exhibit marked **"JL 1"** being a copy of the Gen20b form for Chulubi Constituency Parliamentary Elections.
6. That the Petitioner's allegations do not take into account that in Chilubi Constituency there were staff of the 2nd Respondent, uniformed police and the electorate who are coming from outside the constituency and are issued with a special certificate of authority that allowed them to vote exclusively under Presidential elections and but did not allow them to vote in Parliamentary or Local Government Polls.
7. That I deny the allegations contained in paragraph 5 of the Petitioner's Affidavit to the extent that the totals on form Gen 20b do not tally with the results I declared and announced.
8. That the total votes cast were correctly tabulated as the sum of valid votes polled by all candidates plus rejected ballots.
9. That on 15th August, 2026 I made the declaration of the winner of the Chilubi Parliamentary Poll openly and in the presence of all party agents and stakeholders.
10. That it is not true that I made any miscalculation or mis-tabulation of the results as alleged by the Petitioner or at all.
11. That all my declarations of all election results were supported by the correct and accurate information from the Gen 20b forms and were open for all stakeholders to observe.
12. That I deny any allegation made by the Petitioner concerning the use of pre-marked ballot papers and stuffing of ballot boxes with pre-marked ballot papers by any political party agent or polling staff.
13. That the Petitioner has not produced any credible evidence proving his allegations of the use of pre-marked ballot papers, stuffing of ballot boxes with pre marked ballot papers and any further irregularity whatsoever.
14. That during the election cycle at Chilubi Constituency the Petitioner did not make any specific and formal complaint to the Presiding Officer or Law enforcement Officers

concerning use of pre-marked ballots or stuffing of ballot boxes with pre-marked ballots.

15. That contrary to the allegations of the Petitioner in paragraphs 9 and 10 of his Affidavit verifying facts, all the polling agents who were present after the declaration of the results was made were granted an opportunity to sign the Gen 20b form and provided with copies of the said forms in total compliance with the requisite procedures.
16. That the Chilubi Constituency Parliamentary election was free and fair and conducted by the 2nd Respondent in full compliance with all statutory requirements.
17. That the Petitioner has not presented specific incidences of violence allegedly experienced at certain polling stations in Chilubi District because they were none and in any event no such incidence had any material effect on the final result of the poll.
18. That I depose to the facts stated herein believing the same to be true and correct to the best of my knowledge and belief.

Sworn by the said)
JOHN LONGWE)
at. ...this)
Day of 9th ...2026 Sept)

.....
Deponent

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

Before Me:.....
COMMISSIONER OF OATHS

CamScanner

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AT THE PRINCIPAL REGISTRY
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REPUBLIC OF ZAMBIA HIGH COURT OF ZAMBIA 09 SEP 2026 PRINCIPAL REGISTRY 6 P.O. BOX 50067, LUSAKA

CERTIFICATE OF EXHIBIT

These are the exhibits referred to in the affidavit of **JOHN LONGWE** marked **"JL 1"** sworn before me this ……day of ……2026 at Lusaka

REPUBLIC OF ZAMBIA CONSTITUTIONAL COURT OF ZAMBIA 09 SEP 2026 CLERK OF COURT COMMISSIONER FOR OATHS P.O. BOX 50067, LUSAKA

……

COMMISSIONER OF OATHS

REPUBLIC OF ZAMBIA

ELECTORAL COMMISSION OF ZAMBIA

THE Electoral Process Act, 2016

(Act No. 35 of 2016)

The Electoral Process (General) Regulation, 2021

GEN 20b

[Regulation 50(2)]

(complete in triplicate)

"JLI"

DECLARATION OF THE RESULTS OF THE POLL - Member of Parliament

I, LONGWE JOHN being the Returning Officer for CHILUBI Constituency, CHILUBI District, do hereby declare that I have, inaccordance with the law, ascertained the results of the poll in the said constituency and that they have been given to:

Name of Candidate	Political Party	Votes	Votes (in words)
CHITEMBO Mathias	UPND	10,429	Ten Thousand Four Hundred and Twenty-Nine
FUBE F Mulenga	NRPUP	7,574	Seven Thousand Five Hundred and Seventy-Four
CHISALA C Obious	CDP	5,306	Five Thousand Three Hundred and Six
KALASA Christabel	IND	3,679	Three Thousand Six Hundred and Seventy-Nine
MUWA M Simon	CF	2,760	Two Thousand Seven Hundred and Sixty
MWILA C Gilbert	SP	514	Five Hundred and Fourteen
CHIMBINI S Rosemary	IND	469	Four Hundred and Sixty-Nine
MWABA M Daniel	IND	227	Two Hundred and Twenty-Seven

I further declare that a total of 1,460 ballot papers have been rejected as invalid and that a total of 32,418 Votes were cast.

I therefore declare that the said CHITEMBO Mathias to be this day duly elected as Member of Parliament for CHILUBI Constituency.

Dated this 15 day of August, 2026

Signature: .....

Witnessed by:

Name	Organisation	Signature	Name	Organisation	Signature
Mwaka	UPND		Mutonda Joseph	Kalumbo radio	
Hon Obious Chisala	CDP				
Dominic K.	Indipent				
Godfrey Mulamba	NRPUP				
C. Jangchar	Ind				
O. Kabamba	Cears				
Mavis Kunda	Cavaritum/Saccard				
Chibwe Elias	SP				

1. This form must be completed in sufficient quantities to give one copy to each candidate or their polling agent by the Returning Officer. The Returning Officer must read out aloud the text from the original to the public at the place where the totalling of the votes takes place.
2. The full names of the candidates, party and votes received in figures and words must be inserted in the columns above, with the successful candidate's name at no. 1.
3. The original of this form must be delivered to the Electoral Commission of Zambia by the quickest possible means and a copy must be retained by the Returning Officer.

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