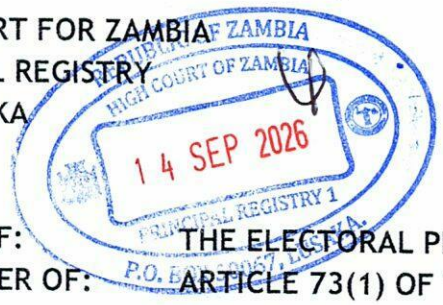
IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(Civil Jurisdiction)

2026/HP/EP/015



IN THE MATTER OF: THE ELECTORAL PROCESS ACT No. 35 OF 2016
AND IN THE MATTER OF: ARTICLE 73(1) OF THE CONSTITUTION OF ZAMBIA
AND IN THE MATTER OF: SECTIONS 83, 97, 98, 99 AND 100 OF THE ELECTORAL PROCESS ACT No. 35 OF 2016
AND IN THE MATTER OF: THE PARLIAMENTARY ELECTION FOR THE MAMBILIMA CONSTITUENCY HELD ON 13TH AUGUST 2026
AND IN THE MATTER OF: THE HIGH COURT (ELECTION PETITION) RULES, 2026, STATUTORY INSTRUMENT No. 31 OF 2026

BETWEEN:

NASIR MUMPANSHYA KASHIBA — PETITIONER
(UPND Candidate - Mambilima Constituency

AND

JEAN NGANDWE CHISENGA — 1st RESPONDENT
(NRPUP Candidate Declared Winner - Mambilima Constituency)

ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT
(A statutory body established under the Electoral Commission of Zambia Act No. 25 of 2016)

PETITIONER'S REPLY TO THE 1ST RESPONDENTS'S ANSWER

The Petitioner, **NASIR MUMPANSHYA KASHIBA** in reply to the 1st Respondent's Answer filed herein on the 07th of September 2026 **STATES AS FOLLOWS:**

1. The Petitioner joins issue with the 1st Respondent upon her Answer in its entirety, save insofar as the same consists of express admissions, which admissions are accepted and will be relied upon at trial.
2. In response to paragraph 2 of the 1st Respondent's Answer, the Petitioner repeats and relies upon paragraph 6 of his Petition as if the same were set out herein in

full and denies each and every averment in the said paragraph of the Answer that is inconsistent therewith.

3. In response to paragraph 3 of the 1st Respondent's Answer, the Petitioner repeats and relies upon paragraph 7 of his Petition as if the same were set out herein in full and denies each and every averment in the said paragraph of the Answer that is inconsistent therewith.

4. In response to paragraph 4 of the 1st Respondent's Answer, the Petitioner repeats and relies upon paragraphs 8, 9, 10, and 11 of his Petition. The Petitioner further avers that the commotion and violence that occurred on the date of the election were directly caused and precipitated by the 1st Respondent's own publication on Facebook of a false and inflammatory allegation that ballot papers had been tempered with. This publication, made by or on behalf of the 1st Respondent, incited and inflamed the ensuing commotion and violence, for which the 1st Respondent bears direct responsibility.

5. In response to paragraph 5 of the 1st Respondent's Answer, the Petitioner repeats and relies upon paragraphs 12, 13, 14, 15, and 16 of his Petition. The Petitioner further avers that the events described in the said paragraphs did not arise in isolation but were the direct, foreseeable and proximate consequence of the chain of events set in motion by the 1st Respondent's aforesaid publication and that the 1st Respondent is accordingly responsible for all consequences flowing therefrom.

6. In response to paragraph 6 of the 1st Respondent's Answer, the Petitioner repeats and maintains paragraph 17 of his Petition without qualification or reservation

and denies each and every averment in the said paragraph of the Answer that is inconsistent therewith.

7. In response to paragraph 7 of the 1st Respondent's Answer, the Petitioner repeats and relies upon paragraphs 18 and 19 of his Petition as if the same were set out herein in full and denies each and every averment in the said paragraph of the Answer that is inconsistent therewith.

8. In response to paragraph 8 of the 1st Respondent's Answer, the Petitioner denies that the 1st Respondent had no knowledge of, or control over, the violence and disorder that occurred. The Petitioner will prove at trial that the 1st Respondent did in fact maintain, direct, and deploy cadres who acted upon her express instructions and/or with her full knowledge and authority in causing, perpetuating, and facilitating the violence and commotion that ensued on the night before and during the election.

9. In response to paragraphs 9, 10, 11, 12, and 13 of the 1st Respondent's Answer, the Petitioner repeats and relies upon the corresponding and disputed paragraphs of his Petition. The Petitioner will prove at trial that the 1st Respondent, whether acting personally or through her agents, servants and supporters, did wilfully and unlawfully obstruct and block voters from accessing polling stations, commit acts of assault upon voters and electoral officials, instigate, encourage and participate in violence and disorder in and around the polling stations and engage in a campaign of intimidation that caused widespread voters' apathy and materially affected the free exercise of the franchise by a

significant number of registered voters in the constituency, to such a degree as to have affected the result of the election.

10. In response to paragraph 14 of the 1st Respondent's Answer, the Petitioner notes the 1st Respondent's admission contained therein and will rely upon the same at trial without further comment, save to reserve his right to make full submissions upon its effect and significance.

11. In response to paragraphs 15 to 21 of the 1st Respondent's Answer, the Petitioner repeats and relies upon the corresponding paragraphs of his Petition as if the same were set out herein in full and denies each and every averment in the said paragraphs of the Answer that is inconsistent therewith. The Petitioner will place full reliance upon all the evidence to be adduced at trial in proof of the matters alleged in his Petition.

12. Save as is expressly admitted, the petitioner joins issue with the 1st Respondent upon each and every paragraph of her answer.

DATED at Lusaka this 14th SEPT 2026 day of August 2026.

NASIR MUMPANSHYA KASHIBA

PETITIONER

Drawn By

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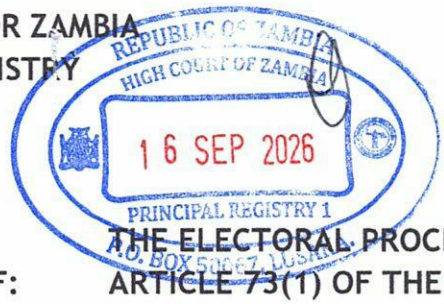
IN THE HIGH COURT FOR ZAMBIA **2026/HP/EP/015**
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(Civil Jurisdiction)



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ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**
(A statutory body established under the Electoral Commission of Zambia Act No. 25 of 2016)

LIST OF AUTHORITIES AND SKELETON ARGUMENTS IN OPPOSITION TO THE 1ST RESPONDENT'S NOTICE OF MOTION TO RAISE PRELIMINARY ISSUES

The Petitioner, **NASIR MUMPANSHYA KASHIBA** in reply to the 1st Respondent's Answer filed herein on the 07th of September 2026 **STATES AS FOLLOWS:**

LEGISLATION REFERRED TO:

1. High Court (Election Petition) Rules 2026, S.I. No. 31 of 2026 – Rules 9(1), 9(2) and 9(3)

CASE LAW CITED:

1. Mwanza and Another v Chitalu Chilufya and Others – 2026/HP/EP/002

1.0 INTRODUCTION

MAY IT PLEASE this Honourable Court, these are the Petitioner's Skeleton Arguments in Opposition to the 1st Respondent's Notice of Motion to raise preliminary issues on points of law. The Petitioner submits that each of the three preliminary issues advanced by the 1st Respondent is wholly misconceived, unsustainable in law on a correct reading of the applicable rules and authorities, and ought to be dismissed with costs. We address the three issues in the order in which they were presented in the 1st Respondent's skeleton arguments.

2.0. The first preliminary issue raised by the 1st Respondent is that the Petition is incompetent because it is not accompanied by a list and description of documents to be relied upon and a bundle of documents, as allegedly required by Rule 9(3)(d) and (e) of the High Court (Election Petition) Rules 2026, S.I. No. 31 of 2026. With respect, this argument proceeds on a fundamental misreading of the provision. In order to properly appreciate the flaw in the 1st Respondent's argument, it is necessary to set out Rule 9(3) ***in full***.

2.2 Rule 9(3) of the High Court (Election Petition) Rules 2026 provides as follows:

> ***"An election petition referred to under subrule (1) shall be accompanied by —***
>
> *(a) an affidavit verifying facts;*

(b) Skeleton arguments of not more than fifteen pages, in font size 12 and with double spacing;

(c) a list of authorities and copies of those authorities;

*(d) **a list and description of documents to be relied on, if any;** and*

*(e) **a bundle of documents, if any."***

(Underlining for our emphasis)

2.3 A careful and conscientious reading of Rule 9(3) in its entirety reveals, beyond any doubt, a critical and deliberate legislative distinction between the requirements in sub-rules (a), (b) and (c) on the one hand, and the requirements in sub-rules (d) and (e) on the other. Sub-rules (a), (b) and (c) are **absolute and unconditional**. The petition shall be accompanied by an affidavit verifying facts, skeleton arguments, and a list of authorities and copies thereof. No qualification or condition attaches to these requirements.

2.4 Sub-rules (d) and (e), however, are expressly and deliberately qualified by the words ***"if any"*** words that do not appear anywhere in sub-rules (a), (b) or (c). Sub-rule (d) requires the petition to be accompanied by *"a list and description of documents to be relied on, **if any**"*. Sub-rule (e) requires *"a bundle of documents, **if any**"*. The phrase ***"if any"*** is not a drafting surplus. It is a conditional qualification that limits the obligation: the document list and bundle are required only where such documents exist and are to be relied upon. Where no such documents exist at the time of filing, the obligation does not arise.

2.5 This interpretation is reinforced by Section 11 of the Interpretation and General Provisions Act, Chapter 2 of the Laws of Zambia, which directs that every written law shall be construed with such modifications, adaptations, qualifications, and exceptions as may be necessary to bring it into conformity with the written law, and that every word and phrase in a statute shall be given its ordinary and natural meaning. The ordinary and natural meaning of the words ***"if any"*** is unmistakable: it means *"where such things exist"* or *"in the event that there are any."* Courts must give effect to every word in a statute: no word may be treated as idle or meaningless. For the 1st Respondent's argument to succeed, the words ***"if any"*** in both sub-rules (d) and (e) would have to be read out of the provision entirely. That is not a permissible approach to statutory interpretation.

2.6 The 1st Respondent places reliance on ***Mwanza and Another v Chatalu Chilufya and Others — 2026/HP/EP/002***. With the greatest of respect, the decision in *Mwanza* is not authority for the proposition advanced. *Mwanza* concerned a petition that failed to file skeleton arguments and a list of authorities — items required under sub-rules (b) and (c), which, as demonstrated above, are cast in **unconditional and absolute** terms without the limiting qualification ***"if any."*** The court in *Mwanza* was never called upon to, and did not, consider the distinct position under sub-rules (d) and (e). Its ratio cannot be extended to requirements that are qualitatively different in their legislative formulation. The 1st Respondent's reliance on *Mwanza* for this issue is accordingly misplaced.

2.7 We therefore submit that the Petition is fully and properly compliant with Rule 9(3), read as a whole and correctly interpreted. The Petitioner was not

obliged to file a document list or bundle where none was applicable at the time of filing. The first preliminary issue must accordingly fail and be dismissed with costs.

3.0 The second preliminary issue raised by the 1st Respondent is that the Petition, as filed, contains evidence contrary to the requirements of Form III promulgated under Rule 9 of the High Court (Election Petition) Rules 2026. The Petitioner submits that this contention proceeds on a fundamental and legally indefensible conflation of two distinct legal concepts:

Fact***s*** on the one hand, and ***evidence*** on the other. These are not the same thing, and the distinction between them is foundational to the entire architecture of pleadings and evidence in civil proceedings.

The 1st Respondent, in its skeleton arguments, relies on the definition of evidence in *Black's Law Dictionary*, 10th Edition, at page 673, which defines evidence as *"something that tends to prove or disprove the existence of an alleged fact."* We respectfully adopt this definition and invite this Honourable Court to apply it. Applying this definition, the paragraphs complained of in the Petition are **clearly, manifestly and obviously** not evidence. They do not tend to prove or disprove anything. They are the **very facts** the existence of which is alleged by the Petitioner and which are **to be proved** at trial. This is the classic and proper content of a petition or pleading.

The proper and well-established distinction, applicable procedure as in all common law jurisdictions, is that **a petition or pleading sets out the facts i.e** the material facts relied upon by the party while **evidence is the means by which those facts**

are established at trial. Evidence takes the form of witnesses' oral testimony, documentary exhibits, and real evidence. It does not take the form of factual allegations in a pleading. The complaint that a petition contains *"evidence"* because it sets out detailed factual allegations is, with the greatest of respect, a contradiction in terms.

The Petitioner invites this Honourable Court to consider what the complained of paragraphs of the Petition actually contain. They contain the Petitioner's factual allegations of what happened, when it happened, where it happened, who did what, and with what effect on the electoral process. These are the material facts that the Petitioner is required by law to plead in his Petition in order to give the Respondents fair notice of the case they are required to meet at trial. It is precisely this that pleadings are for. The Petitioner has not annexed a witness statement to his Petition. He has not attached photographs, or video recordings, or other exhibits to the Petition itself. The evidence in the proper legal sense of that word is contained in the Affidavit Verifying Petition, which accompanies the Petition as required under Rule 9(3)(a). The Affidavit Verifying Petition is the instrument through which the Petitioner places before the court the sworn testimony in support of the factual allegations in the Petition. The Petition and the Affidavit serve complementary but distinct functions: the Petition pleads the facts while the Affidavit proves them. The 1st Respondent's complaint appears to be, in substance, that the Petition pleads its facts in too much detail which, with respect, is not a recognised ground for declaring a petition incompetent.

Taken to its logical conclusion, the 1st Respondent's argument would require election petitions to be drafted in the barest and most skeletal terms stripped of any factual particularity, any identification of the incidents complained of, any specification of

the actors, dates, or locations of the alleged misconduct. Such a petition would be incapable of being answered by the Respondents and would serve no useful forensic purpose. It would, moreover, deprive this Honourable Court of the factual context necessary to understand what is in issue and to manage the proceedings efficiently. The 1st Respondent's approach would, in practical effect, make it impossible to file a valid election petition alleging organised violence and intimidation precisely the sort of conduct that election petition rules are designed to address.

The Petitioner accordingly submits that not one of the paragraphs identified by the 1st Respondent as allegedly containing evidence in fact contains evidence in the legal sense. Each paragraph contains factual allegations the proper and necessary content of a petition. The second preliminary issue is misconceived and must fail.

4.0 YOUR HONOUR, the third preliminary issue raised by the 1st Respondent is that the Affidavit Verifying Petition is incurably defective by reason of an alleged discrepancy between the date appearing in the attestation clause and the date in the Jurat. The 1st Respondent contends that the attestation clause bears the date of 28th August 2026 while the Jurat records the date of 8th August 2026, and that this discrepancy is irreconcilable and incurable. The Petitioner respectfully submits that this argument fails on the facts. As highlighted in the accompanying affidavit, the date appearing on the particular stamped impression in question appears to show the "8" without the 2 preceding digit. We respectfully submit that this is attributable to an incomplete or imperfect stamping impression. It is not possible, from the stamped impression alone, to state with certainty how the omission occurred, although it may have resulted from the document not being placed sufficiently firmly and evenly on a flat surface at the time the stamp was applied.

Importantly, however, the original copies in our possession, as well as the copies served and placed on the Court's record, clearly and legibly bear the complete date, including the "2" digit preceding the "8". Those documents therefore establish that the date appearing on the document is 28 August 2026, and not 8 August 2026.

The Petitioner submits that the Affidavit Verifying Petition was commissioned, attested to on 28th August 2026, as is evident from the face of documentation. The reference to "8th August 2026" in the Jurat is a stamping error, nothing more. The affidavit is valid and properly before this Court. The third preliminary issue is without merit and must equally succumb.

5.CONCLUSION

In conclusion, the Petitioner has demonstrated, with reference to the text of the applicable rules and the relevant authorities, that

The Petitioner accordingly prays that this Honourable Court be pleased to:

Dismiss the 1st Respondent's Notice of Motion to Raise Preliminary Issues on Points of Law in its entirety and order the 1st Respondent to pay the Petitioner's costs of and incidental to the said application on a full indemnity basis; and Direct that the Petition proceed to hearing on the merits forthwith, with such directions as to case management as this Honourable Court may deem appropriate.

We beg to submit and are most obliged.

Dated this _____ day of _____ 2026.

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IN THE HIGH COURT FOR ZAMBIA

AT THE PRINCIPAL REGISTRY

HOLDEN AT LUSAKA

(Civil Jurisdiction)

2026/HP/EP/015



IN THE MATTER OF: THE PARLIAMENTARY PETITION RELATING TO THE PARLIAMENTARY ELECTIONS FOR THE MAMBILIMA CONSTITUENCY HELD ON 13TH AUGUST, 2026

AND

IN THE MATTER OF: THE CONSTITUTION OF ZAMBIA, THE CONSTITUTION OF ZAMBIA ACT, CHAPTER 1, VOLUME 1, OF THE LAWS OF ZAMBIA

AND

IN THE MATTER OF: ARTICLE 45, 54 AND 73 OF THE CONSTITUTION OF ZAMBIA, CONSTITUTION OF ZAMBIA ACT, CHAPTER 1, VOLUME 1, OF THE LAWS OF ZAMBIA

AND

IN THE MATTER OF: SECTIONS 81, 83, 88, 89, 99 AND 100 OF THE ELECTORAL PROCESS NO. 35 OF 2016 OF THE LAWS OF ZAMBIA

AND

IN THE MATTER OF: THE ELECTORAL PROCESS (ELECTORAL CODE OF CONDUCT) NO. 35 OF 2016 OF THE LAWS OF ZAMBIA

May it please the Honourable Court.

These written arguments are respectfully submitted on behalf of the Petitioner, Nasir Mumpanshya Kashiba, in support of the Election Petition and in support of the declaration sought that the election of the 1st Respondent, Jean Ngandwe Chisenga, as Member of Parliament for Mambilima Constituency held on the 13th day of August 2026, was and is void.

A. INTRODUCTION

1. The Petitioner seeks a declaration under section 99(a) of the Electoral Process Act No. 35 of 2016 (hereinafter referred to as "the Act") that the election of the 1st Respondent as Member of Parliament for Mambilima Constituency at the poll held on the 13th day of August 2026 was void.

2. The Petitioner advances these arguments on three independent but cumulative grounds: first, that the 1st Respondent personally and through her agents committed corrupt practices and other misconduct comprising bribery, voter intimidation, voter suppression and undue influence contrary to section 97(2)(a) of the Act; second, that the 1st Respondent's agents and supporters committed further acts of corrupt and illegal practice through their unauthorised presence at polling stations, coercion of electoral officers, the assault of a Presiding Officer and the theft of official electoral materials, equally falling within section 97(2)(a); and third, that the election was not conducted in accordance with the principles and provisions of the Act, in particular by reason of the unlawful exclusion of the Petitioner's agent from the verification and totalling process and the declaration of results under conditions of duress, contrary to section 97(2)(b)

of the Act. Each ground is pleaded in the alternative and without prejudice to the others, and the failure of any one does not touch the remainder.

B. THE STANDARD OF PROOF

3. The standard of proof applicable to an election petition is that of *"convincing clarity"* i.e higher than a mere balance of probabilities but not the criminal standard of beyond reasonable doubt: ***Akashambatwa Mbikusita Lewanika and Others v Frederick Jacob Titus Chiluba*** (1998) ZR 49 (SC), applied to the Act by the Constitutional Court in ***Bowman Chilosha Lusambo v Bernard Kanengo and Others*** [2024] ZMCC 1. The Petitioner accepts and embraces that standard.

4. The Petitioner further submits that, while the legal burden rests throughout upon the Petitioner, the evidential burden may shift in the course of the trial once sufficient evidence has been adduced: ***Raila Amolo Odinga and Another v Independent Electoral and Boundaries Commission and Others*** [2017] eKLR (SC Kenya) at [133]. The Petitioner will demonstrate that the evidence adduced is of such scale, gravity, corroborated character and geographical breadth as to shift the evidential burden decisively, requiring the 1st Respondent to answer.

5. On the question of the standard applicable to allegations constituting criminal offences under sections 81 and 83 of the Act, the Petitioner submits, and will develop in reply that their criminal character does not elevate the standard to proof beyond reasonable doubt: ***Mabenga v Wina and Others*** (SCZ Judgment No. 15 of 2003), where an election was avoided upon proof *"beyond the balance of probability"* of allegations recognised to be *"of a criminal nature"*; and ***Anderson***

Kambela Mazoka and Others v Levy Patrick Mwanawasa and Others (2005) ZR 138 (SC).

C. GROUND ONE – CORRUPT PRACTICES, BRIBERY AND UNDUE INFLUENCE UNDER SECTION 97(2)(a)

(i) The Legal Framework

6. Section 97(2)(a) of the Act provides that the election of a candidate shall be void where it is proved that a corrupt practice, illegal practice or other misconduct was committed in connection with the election (i) by a candidate, or (ii) with the knowledge and consent or approval of a candidate or of that candidate's election agent or polling agent, and that the majority of voters in the constituency were or may have been prevented from electing the candidate whom they preferred.

7. Section 2 of the Act confines *"corrupt practice"* to conduct declared to be such by section 81. Section 81(1)(a) prohibits the giving of money to a voter, corruptly, to induce that voter to vote. Section 83(1)(a) prohibits the making use of, or the threatening to make use of, any force, violence or restraint upon any other person; and section 83(1)(c) prohibits the doing of anything to the disadvantage of any person in order to induce or compel that person not to vote for a particular candidate.

8. It is submitted that proof of a single corrupt practice or act of misconduct is sufficient to nullify the election: ***Mabenga***, where it was held that *"satisfactory proof of any one corrupt or illegal or misconduct in an election petition is sufficient to nullify any election."*

(ii) Bribery and Vote Buying – Section 81(1)(a)

9. The Petitioner argues that on polling day, 13th August 2026, the 1st Respondent personally, at or near polling stations throughout Mambilima Constituency, commanded her supporters to send their telephone numbers to her so that money could be transferred to them after the election, in exchange for their votes. This direction to transmit contact details for the purpose of subsequent monetary payment constitutes the giving of money to a voter corruptly in order to induce that voter to vote, within the meaning of section 81(1)(a) of the Act.

10. In addition to the above, the Petitioner will prove that the 1st Respondent's agents and supporters paid individuals to remain at home and not vote, directly purchasing voter abstention among supporters of the Petitioner. This conduct falls squarely within section 81(1)(a) as the giving of money to induce voters not to vote.

11. The Petitioner will further prove that the 1st Respondent's agents paid individuals to stone, chase, and physically prevent voters from queuing and voting. The payment of persons to carry out acts of violent voter suppression constitutes the giving of money corruptly for the purpose of preventing persons from voting, which is an aggravated form of corrupt practice within section 81(1)(a) and a further contravention of section 83(1)(a) and (c).

(iii) Violence, Threats and Undue Influence — Section 83

12. On the evening of 12th August 2026, the night before polling day, The 1st Respondent, personally led a mob of masked men and NRPUP cadres to storm the Council Chambers of the Mwense Town Council, where the District Electoral Officer (DEO) was stationed. The mob surrounded and subjected the DEO to

threats of death, insults and severe intimidation, falsely alleging that he had pre-marked ballot papers. This act of intimidation directed at the principal electoral officer in the constituency, committed in the personal presence of the 1st Respondent, constitutes:

(a) The making use of, or the threatening to make use of, force, violence and restraint upon the DEO, contrary to section 83(1)(a) of the Act;

(b) An unlawful attempt to coerce the electoral administration into conducting the poll in a manner favourable to the 1st Respondent, contrary to section 83(1)(c); and

(c) A corrupt practice and other misconduct within the meaning of section 97(2)(a), committed by the 1st Respondent personally.

13. The significance of this act cannot be overstated. The DEO is the apex electoral officer in the constituency during the poll. An atmosphere of fear and intimidation directed at him on the eve of polling day necessarily infects and demoralises the entire electoral administration under his authority. Electoral officers who witness their superior being threatened with death by the candidate who subsequently wins the election cannot be said to have administered the subsequent poll freely and without fear.

14. On polling day, 13th August 2026, the 1st Respondent personally stormed multiple polling stations throughout Mambilima Constituency with hordes of masked men believed to have been transported from Lusaka. At those stations, the 1st Respondent threatened polling staff and voters and gave directions to her supporters as to voting. The Petitioner's letter to the DEO dated 14th August 2026

formally documented and reported this conduct. This constitutes a personal act of violence, threat and restraint within section 83(1)(a) and (c), committed by the 1st Respondent herself and engaged section 97(2)(a)(i) directly without the need to establish agency.

15. Voters at Mambilima, Munyangala, Munwa and Nsomfi areas, among others, were systematically stoned, chased from voting queues, and physically beaten by persons deployed and paid by the 1st Respondent's agents and supporters to carry out such acts. Access roads to polling stations were deliberately blocked. These acts of organised, geographically dispersed, simultaneous violence and obstruction could not have been spontaneous. This constitutes other misconduct within section 97(2)(a) of the Act committed with the knowledge, consent and approval of the 1st Respondent.

(iv) **Attribution to the 1st Respondent**

16. Section 97(2)(a)(i) reaches misconduct committed by a candidate directly. Section 97(2)(a)(ii) reaches misconduct committed with the knowledge and consent or approval of a candidate, her election agent, or polling agents. The Petitioner submits that both limbs are engaged in the present case.

17. The 1st Respondent's personal presence at the storming of the Council Chambers on the night of 12th August 2026 is confirmed by the minutes of the stakeholders' meeting held that evening, signed by the 1st Respondent herself and other parties, which place her physically at the scene as a participant in the atmosphere of intimidation that directly preceded polling day. Her personal command of

supporters at polling stations on polling day, directing them to send telephone numbers for post-election payment, is direct attribution to her personally.

18. As regards the acts of her supporters at polling stations, the distribution of persons across multiple stations throughout the constituency on polling day, all engaged in the same conduct at the same time, is cogent evidence of central organisation and direction. Agency may be inferred from the position and conduct of the persons concerned: ***Mabenga***, where a finding of agency was upheld where those alleged to have acted were party officials acting, *"in fact on the appellant's own evidence ... his agents."*

19. It is further submitted that the 1st Respondent's false Facebook allegation of pre-marked ballot papers, a deliberate incitement broadcast publicly the evening before polling bears a direct causal connection to the violence that followed. The mob that stormed the Council Chambers and subsequently assaulted the Presiding Officer at Chifumbe Health-02 was the product of that incitement. The 1st Respondent, having deliberately inflamed public sentiment with a lie, bears personal legal responsibility for the violence, theft and disruption that her incitement caused: see the principle in ***The People v Zulu*** (1976) ZR 239 on the responsibility of a person who sets in motion a chain of events.

(v) The Defence under Section 97(3) is Unavailable

20. Section 97(3) provides a defence where a corrupt or illegal practice has been committed by an agent of the candidate, subject to three cumulative conditions.

The Petitioner submits that the defence is unavailable to the 1st Respondent for the following independent reasons:

(a) Section 97(3) is expressly confined to *"a corrupt practice or illegal practice."* It does not extend to *"other misconduct"* under section 83. The conduct of storming polling stations, committing violence against voters and blocking access roads falls within section 83 as other misconduct and is entirely outside the reach of section 97(3).

(b) Section 97(3) is further confined to a practice committed by *"an agent."* Where, as here, the 1st Respondent was personally present and personally directed the relevant conduct including the storming of the Council Chambers and the direction of supporters at polling stations. Limb (a) of section 97(3) cannot be satisfied. A candidate cannot claim the protection of a provision designed for agents' acts when the act was her own.

(c) Even if section 97(3) were available in principle, the 1st Respondent could not satisfy the requirement under limb (b) that she *"took all reasonable means to prevent"* the conduct. Her Facebook post was the catalyst that triggered it.

D. GROUND TWO — ASSAULT OF A PRESIDING OFFICER, THEFT OF ELECTORAL MATERIALS AND UNAUTHORISED PRESENCE AT POLLING STATIONS

(i) Assault on Presiding Officer Mpundu Moses and the Theft at Chifumbe Health

21. On the evening of 12th August 2026, persons identified as NRPUP cadres invaded Chifumbe Health-02 Polling Station, overpowered the ZNS officer on guard, and assaulted Presiding Officer Mpundu Moses, inflicting head and body injuries documented in ZP Form 32 by the Senior Clinical Officer at Mwense District Hospital on 17th August

2026, consistent with assault by stones and sticks. A police report was issued on 13th August 2026 by Police Officer Simwanza Lawrence (Service No. 46600) of Mwense Police Station.

22-The same mob stole official ECZ electoral materials from the station including completed ballot paper account forms and the polling station record of proceedings at the count the very documents upon which the verifiability of results depends. This was confirmed in the Returning Officer's own written report to the DEO, which expressly concedes that the theft *"directly placed the integrity of results at risk."* That concession, made by the 2nd Respondent's own officer, goes to the heart of the causation requirement under section 97. Even if the materials were subsequently recovered, their theft created an irremovable doubt as to whether the count at that station accurately reflects the true ballot.

24. The assault of the Presiding Officer and the systematic theft of electoral materials committed by NRPUP cadres on the same night the 1st Respondent personally stormed the Council Chambers are not coincidence. They are coordinated criminal conduct in furtherance of a single unlawful design to dismantle the integrity of the poll.

(ii) Unauthorised Persons at Polling Stations

25. On polling day, 13th August 2026, polling stations across Mambilima Constituency were invaded by persons not accredited by the Electoral Commission of Zambia and not authorised to be present under the Act and the Electoral Process (General) Regulations, 2016 (SI No. 75 of 2016). These persons, identified as supporters and agents of the 1st Respondent, entered polling stations and gave instructions to voters as to how to vote, directing them to vote for NRPUP, and

assisted voters without authorisation, interfering with the secrecy of the ballot. The Petitioner formally reported these violations to the District Electoral Officer in letters dated 14th and 19th August 2026.

26. The presence of unauthorised persons in polling stations is not a technical irregularity. The right of a voter to cast a secret ballot, free from direction or interference from partisan actors, is a fundamental constitutional right. The infiltration of polling stations by directing voters to vote for a particular candidate converts the polling station from a space of democratic freedom into an instrument of coercion. This constitutes other misconduct within section 97(2)(a), committed with the knowledge and consent or approval of the 1st Respondent.

27. It is further noted that the Petitioner's formal complaint documents that a ZNS officer at Chifumbe Polling Station was disarmed and subsequently re-armed after it was noticed that he was being observed. This act of the deliberate disarming of a uniformed officer who was the sole security presence at a polling station is both an act of violence and an act designed to facilitate further unlawful conduct at that station. Its observation and re-arming only when noticed suggests a consciousness of wrongdoing on the part of those responsible.

E. GROUND THREE- NON COMPLIANCE UNDER SECTION 97(2)(b): EXCLUSION OF THE PETITIONER'S AGENT AND DECLARATION UNDER DURESS

(i) The Right of a Candidate's Agent to be Present at Verification and Totalling

28. Regulation 53(1) of the Electoral Process (General) Regulations requires the Returning Officer to notify candidates in writing of the time and place of verification of ballot paper accounts. Regulation 53(2) requires the verification to be conducted *"in the presence of the assistant returning officer ... and candidates and their election agents, monitors or observers present."*

29. The Petitioner's case is that his agent was prevented from attending the constituency totalling venue, and that no agent or representative of the Petitioner appears among the witnesses who attested the declaration on Form GEN 20b. The exclusion of the Petitioner's agent from the verification and totalling process is the negation of the transparency, accuracy and reliability that section 3(c), (g) and (l) of the Act require of every electoral process. The purpose of the agent's presence is to render the count capable of being observed and, if necessary, challenged at the time, that purpose was entirely frustrated.

30. The Petitioner argues that that the declaration of results made under conditions of duress and in circumstances where the Petitioner's agent had been excluded from the process is procedurally irregular, unreliable and in fundamental breach of section 97(2)(b).

(ii) Section 97(4) Does Not Save the Election

31. Section 97(4) provides that an election shall not be declared void by reason of an act or omission of an election officer in breach of official duty if the election was **both** (i) so conducted as to be substantially in accordance with the Act, **and** (ii) the act or omission did not affect the result. The Petitioner submits that section 97(4) is unavailable to the Respondents for the following reasons:

(a) Section 97(4) is framed conjunctively. Both limbs must be satisfied. An election conducted in the atmosphere of violence, intimidation, bribery, voter suppression and unlawful presence at polling stations described in this case was manifestly not *"substantially in accordance"* with the Act.

(b) Section 97(4) reaches only *"any act or omission by an election officer in breach of that officer's official duty."* The conduct of the 1st Respondent and her agents including the storming of polling stations, the assault of the Presiding Officer, the theft of electoral materials and the exclusion of the Petitioner's agent was not the act of an election officer in breach of duty. It was the act of the candidate and her agents. Section 97(4) therefore does not touch those acts at all.

F. CAUSATION "WERE OR MAY HAVE BEEN PREVENTED"

32. Section 97(2)(a) requires that the majority of voters *"were or may have been prevented"* from electing the candidate whom they preferred. The Petitioner submits that the causation limb is materially less demanding than a strict arithmetical demonstration: the words *"or may have been"* do not admit of the construction that the Petitioner must demonstrate that the margin of 4,017 votes would necessarily have been reversed.

33. The enquiry directed by section 97(2)(a) is not arithmetic, it is constitutional. In ***Woodward v Sarsons*** (1875) LR 10 CP 733, the Court of Common Pleas held that an election is to be declared void where the tribunal is satisfied that *"there was no real electing by the constituency at all"* and that the constituency *"had not in fact had a fair and free opportunity of electing the candidate which the majority*

might prefer" and that this is particularly so where a majority were prevented from voting effectively "by general corruption or general intimidation."

Section 97(2)(a) codifies that principle. The enquiry is into the freedom of the election, not the arithmetic of the result.

34. The Petitioner submits that the following facts, taken together, satisfy the causation requirement to the required standard of convincing clarity:

(a) Scale and geography: The unlawful conduct spanned multiple areas in Mambilima, Munyangala, Munwa, Nsomfi, and others and multiple polling stations. This was not a localised incident. It was constituency wide.

(b) Voter suppression: Large numbers of voters who were identified as the Petitioner's supporters were physically prevented from reaching polling stations by stoning, beatings, road blockages and paid abstention disadvantaged the petitioner.

(c) Atmosphere of general intimidation: The storming of the Council Chambers the night before polling, the assault of a Presiding Officer, the disarming of a ZNS officer, the invasion of polling stations by masked men and the impunity with which all of this occurred while police stood by and did not intervene all of this created an atmosphere of generalised fear that would deter any rational voter who feared violence from attending to vote the following morning.

(d) Vote augmentation by bribery: The 1st Respondent's votes were, on the evidence, not freely cast but augmented by direct monetary inducement, promising payments via telephone transfer and by the direction of

unauthorised persons inside polling booths. Votes so cast cannot be said to reflect the free preference of the voters.

(e) The margin: The margin of 4,017 votes must be assessed against the background of thousands of voters prevented or deterred from reaching polling stations, voters paid to abstain, and an electoral administration demoralised by threats to its senior officer. The Petitioner does not contend arithmetically that the margin would have been reversed but submits that the constituency did not have a fair and free opportunity of electing the candidate the majority preferred. That much is plain and obvious from the facts.

G. THE GROUNDS TAKEN TOGETHER — A SINGLE COURSE OF COORDINATED UNLAWFUL CONDUCT

36. Your petitioner argue that, while the three grounds are advanced independently and each is sufficient of itself, the court is invited to stand back and consider what the totality of the evidence describes. It describes a candidate who, on the evening before polling day, personally led a mob to threaten the death of the chief electoral officer in the constituency. It describes a candidate who publicly broadcast a lie calculated to inflame mob violence. It describes a candidate who, on polling day, personally stormed polling stations with masked men from outside the constituency. It describes a candidate whose agents simultaneously stoned voters at multiple polling stations, blocked access roads, invaded polling stations, paid voters to abstain, and paid others to commit violence.

37. This is not an election that was free and fair but for isolated irregularities. This is an election in which the democratic process was comprehensively dismantled from the evening before polling through to the declaration itself, which was made under duress and without the Petitioner's agent in attendance. The result declared on GEN Form 20b does not reflect the will of the voters of Mambilima Constituency. It reflects the will of a candidate who was unwilling to seek election by democratic means and who resorted to violence, bribery and terror to secure a result that the democratic process, freely conducted, may not have produced.

H. CONCLUSION

It is submitted that the Petitioner is entitled to declarations under sections 97(2)(a) and 99(a) and that the Election of the 1st Respondent as Member of Parliament for Mambilima Constituency is null and void and thus Order the 2nd respondent to conduct a fresh election for the Mambilima Constituency parliamentary seat, conducted freely, fairly and in strict compliance with the

Respectfully submitted.

Dated at Lusaka this _____ day of August, 2026.

Drawn By **Messrs. MGS Legal Practitioners**

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Arcades Great East Road
LUSAKA
Mgs.legalpractitioners@gmail.com
P.O Box 320180
Phone number:+260961887351
Advocates for the Petitioner

IN THE HIGH COURT FOR ZAMBIA **2026/HP/EP/015**
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(Civil Jurisdiction)

IN THE MATTER OF: **THE PARLIAMENTARY PETITION RELATING TO THE PARLIAMENTARY ELECTIONS FOR THE MAMBILIMA CONSTITUENCY HELD ON 13TH AUGUST, 2026**

AND

IN THE MATTER OF: **THE CONSTITUTION OF ZAMBIA, THE CONSTITUTION OF ZAMBIA ACT, CHAPTER 1, VOL. 1, OF THE LAWS OF ZAMBIA**

AND

IN THE MATTER OF: **ARTICLE 45, 54 AND 73 OF THE CONSTITUTION OF ZAMBIA, THE CONSTITUTION OF ZAMBIA ACT, CHAPTER 1, VOL. 1, OF THE LAWS OF ZAMBIA**

AND

IN THE MATTER OF: **SECTIONS 81, 83, 88, 89, 99 AND 100 OF THE ELECTORAL PROCESS ACT, NO. 35 OF 2016 OF THE LAWS OF ZAMBIA**

AND

IN THE MATTER OF: **THE ELECTORAL PROCESS (ELECTORAL CODE OF CONDUCT) NO. 35 OF 2016 OF THE LAWS OF ZAMBIA**

AND

IN THE MATTER OF: **THE HIGH COURT (ELECTION PETITION) RULES, 2026, STATUTORY INSTRUMENT NO. 31 OF 2026 OF THE LAWS OF ZAMBIA**

BETWEEN:



NASIR MUMPANSHYA KASHIBA **PETITIONER**

AND

JEAN NGANDWE CHISENGA **1ST RESPONDENT**
ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

1ST RESPONDENT'S AFFIDAVIT IN OPPOSITION TO AFFIDAVIT VERIFYING ELECTION PETITION

I, JEAN NGANDWE CHISENGA of No. 1650, Makumba Road, Low Density, Mansa in the Luapula Province of the Republic of Zambia **DO HEREBY** make **OATH** and **SAY** as follows:

1. That my name and residential address are as stated above.

2. That I am a Zambian National.

3. That I am the 1st Respondent herein and thus competent to depose to this my Affidavit from facts within my personal knowledge, understanding and belief.

4. That I have read the Affidavit Verifying Election Petition (hereinafter referred to as "the Affidavit Verifying Facts") and respond to the contents therein as hereunder:

5. That on the 14th August, 2026, I was elected as Member of Parliament for Mambilima Constituency as shown at **Page 1** of my Bundle of Documents.

6. That I make no comment to the contents of Paragraphs 1, 2 and 3 of the Affidavit Verifying Facts as the same are within the peculiar knowledge of the Petitioner herein.

7. That the contents of Paragraph 4 of the Affidavit Verifying Facts are not in dispute.

8. That I make no comment to the contents of Paragraph 5 as the same are within the peculiar knowledge of the Petitioner herein.

9. That I make no comment to the contents of Paragraph 6 to 10 of the Affidavit Verifying Facts as same are within the peculiar knowledge of the Petitioner and I was not one of the recipients of the said phone calls.

10. That the contents of Paragraphs 11, 12, 13, 14, 15, 16 and 17 of the Affidavit Verifying Facts are denied, and I hereby narrate the correct version of what transpired on the 12th August, 2026 as follows:

i. All stakeholders were invited at Mwense Town Council where the District Electoral Officer was stationed for purposes of verification of the ballot boxes before they could be distributed to the wards and/or polling stations;

ii. While at Mwense Town Council where the stakeholders and the 1st Respondent was also present, the verification was done by opening one ballot box which was randomly picked among many other ballot boxes;

iii. After the said ballot box was opened, it was found to be okay and all the stakeholders agreed that it was sufficient for purposes of verification to only open one box, and then distribute the rest without opening them;

iv. It was also agreed by the stakeholders that the distribution was to be done without delay;

v. However, about two (2) to three (3) hours later, the ballot boxes had not yet been distributed to the various wards and/or polling stations and there was confirmation that ballot boxes had been opened;

vi. One of the candidates for Council Chairperson, Charles Mwelwa immediately went to the Civic Centre and found one of the ballot boxes being sealed by one of the Poll Staff, and the said Charles Mwelwa immediately contacted the Returning Officer for Mambilima Constituency who confirmed that all the ballot boxes had been opened for purposes of getting the serial numbers;

vii. The said Charles Mwelwa went to Mwense Town Council where it was also confirmed that the ballot boxes had all been opened. When he asked why

the ballot boxes were opened in the absence of the stakeholders, he was told by the Poll Staff that it was for purposes of getting the serial numbers. The said Charles Mwelwa also asked why the ballot boxes had to be opened for serial numbers when the serial number was on top of each ballot box, and thus, one did not need to open the ballot box to get a serial number;

viii. Consequently, the said Charles Mwelwa then went to Mwense Police and called the stakeholders, the District Electoral Officer, the political parties as well as the 1st Respondent who all came through, and the Petitioner herein sent his agents;

ix. A meeting was convened and the District Electoral Officer (DEO) did acknowledge that a mistake was made by opening all the ballot boxes in the absence of stakeholders, and a proposal was made that stakeholders go round to check all the ballot boxes that were sent to the ten (10) stations;

x. All the stakeholders agreed to this proposal, went round and confirmed that all the ballot boxes although they had been opened were okay. This was confirmed by the stakeholders signing a document of the minutes of the meeting where the Petitioner's agent also signed agreeing that all issues had been resolved as shown at **pages 2 and 3** of my Bundle of Documents.

11. That the contents of Paragraphs 18, 19, 20, 21 and 22 of the Affidavit Verifying Facts are denied and I state that I never engaged myself in any acts of violence or intimidation on the polling day as alleged by the Petitioner, and I further deny that I stormed polling stations throughout Mambilima Constituency.

12. That in response to the contents of Paragraph 23 of the Affidavit Verifying Facts, I deny having engaged myself in acts of intimidation, assault and harassment of

the voters as alleged by the Petitioner. In fact, the said videos have not shown that I or my agent(s) as per the nomination paper were involved in the purported illegal activities.

13. That I deny the contents of Paragraphs 24, 25 and 26 of the Affidavit Verifying Facts as far as the same relates to me and/or my agent, and I and/or my agent (s) were never involved in any such activities as alleged.

14. That in response to the contents of Paragraph 27 the Affidavit Verifying Facts, I nor my agent (s) never chased the Petitioner's polling agents nor did I make a representation that I had won before the counting was done. The failure to sign GEN Form 20b by the Petitioner's agent cannot be attributed to me.

15. That the contents of Paragraph 28 of the Affidavit Verifying Facts are not within my bounds to respond to.

16. That I make no comment to the contents of Paragraphs 29 and 30 of the Affidavit Verifying Facts as the same are within the peculiar knowledge of the Petitioner, and in any case, the said letter does not prove that I or my agents committed the alleged illegal activities.

17. That I am advised by my Advocates herein and which advice I verily believe to be true that the contents of Paragraph 31 of the Affidavit Verifying Facts amount to conclusion and are against principles of affidavit evidence.

18. That further to the above, the Petitioner has not shown that the purported activities complained of were done with the knowledge and consent or approval of myself or my election agent or polling agent, and has also not shown that the majority of voters in Mambilima Constituency were or may have been prevented from electing the candidate whom they preferred.

19. That I depose to the foregoing believing the same to be true and correct to the best of knowledge, understanding and believe.

SWORN by the said)
JEAN NGANDWE CHISENGA)
at Lusaka this_____day of)
_____2026)

_____
DEPONENT

BEFORE ME: _____
COMMISSIONER FOR OATHS

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
07 SEP 2026
COMMISSIONER FOR OATHS
P.O. BOX 50067, LUSAKA

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LUSAKA.
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ADVOCATES FOR THE 1ST RESPONDENT

IN THE HIGH COURT FOR ZAMBIA 2026/HP/EP/015
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(Civil Jurisdiction)

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
16 SEP 2026
PRINCIPAL REGISTRY 1
P.O. BOX 50067, LUSAKA

IN THE MATTER OF: THE ELECTORAL PROCESS ACT No. 35 OF 2016

AND IN THE MATTER OF: ARTICLE 73(1) OF THE CONSTITUTION OF ZAMBIA

AND IN THE MATTER OF: SECTIONS 83, 97, 98, 99 AND 100 OF THE ELECTORAL PROCESS ACT No. 35 OF 2016

AND IN THE MATTER OF: THE PARLIAMENTARY ELECTION FOR THE MAMBILIMA CONSTITUENCY HELD ON 13TH AUGUST 2026

AND IN THE MATTER OF: THE HIGH COURT (ELECTION PETITION) RULES, 2026, STATUTORY INSTRUMENT No. 31 OF 2026

BETWEEN:

NASIR MUMPANSHYA KASHIBA **PETITIONER**
(UPND Candidate - Mambilima Constituency

AND

JEAN NGANDWE CHISENGA **1st RESPONDENT**
(NRPUP Candidate Declared Winner - Mambilima Constituency)

ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**
(A statutory body established under the Electoral Commission of Zambia Act No. 25 of 2016)

AFFIDAVIT IN OPPOSITION TO THE 1ST RESPONDENT'S NOTICE OF MOTION TO RAISE PRELIMINARY ISSUES

AFFIDAVIT IN OPPOSITION TO I, Nasir Mumpanshya Kashiba of royal pride farms (ltd), mwense-mansa highway, near munwa bridge, mwense, luapula province of the republic of zambia, DO HEREBY MAKE OATH and SAY THAT;

1. That I am the Petitioner herein and am therefore duly competent and authorised to depose to this my Affidavit in Opposition from facts and information within my personal knowledge, information, and belief.
2. That I have read and fully understood the contents of the Affidavit in Support of the 1st Respondent's Notice of Motion, deposed to by one

James Kayula and filed herein on the 9th day of September, 2026. I have further been duly advised by my Advocates of record as to the contents and legal effect of the said Affidavit and of the application which it supports.

3. That with regard to the first preliminary issue raised by the 1st Respondent, I am advised by my Advocates of record and verily believe the same to be true that the Election Petition rules.
4. That with regard to the second preliminary issue raised by the 1st Respondent, the Petition as filed does not contain any evidence. The Petition consists exclusively of **factual allegations** the material facts upon which the Petitioner relies and which are to be established at trial.
5. That with regard to the third preliminary issue, the Affidavit Verifying Petition was duly attested to and commissioned before a Commissioner for Oaths on the **28th day of August, 2026**. The date of "8th August 2026" appearing in the Jurat of the said Affidavit served on the 1st respondent is a **typographical error** arising from the inadvertent omission of the numeral "2" from the date "28 August 2026", and does not in any way alter or obscure the true date upon which the Affidavit was sworn. Now produced and shown to me and marked **"NMK/1"** is a true and correct copy of the attestation page of the Affidavit Verifying Petition, which confirms that the same was attested to and commissioned on the 28th August, 2026.

That I depose to the above facts verily believing the same to be true and correct in every respect thereof, to the best of my knowledge, information, and belief.

Sworn by the said

Nasir Mumpanshya Kashiba)

At lusaka the 16 day of Sept 2026)

Deponent

Before Me:.....

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

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

2026/HP/EP/015

IN THE MATTER OF: THE ELECTORAL PROCESS ACT No. 35 OF 2016
AND IN THE MATTER OF: ARTICLE 73(1) OF THE CONSTITUTION OF ZAMBIA
AND IN THE MATTER OF: SECTIONS 83, 97, 98, 99 AND 100 OF THE ELECTORAL PROCESS ACT No. 35 OF 2016
AND IN THE MATTER OF: THE PARLIAMENTARY ELECTION FOR THE MAMBILIMA CONSTITUENCY HELD ON 13TH AUGUST 2026
AND IN THE MATTER OF: THE HIGH COURT (ELECTION PETITION) RULES, 2026, STATUTORY INSTRUMENT No. 31 OF 2026

BETWEEN:

NASIR MUMPANSHYA KASHIBA
(UPND Candidate - Mambilima Constituency) PETITIONER

AND

JEAN NGANDWE CHISENGA
(NRPUP Candidate Declared Winner - Mambilima Constituency) 1st RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA
(A statutory body established under the Electoral Commission of Zambia Act No. 25 of 2016) 2ND RESPONDENT

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

AFFIDAVIT IN REPLY TO THE 1ST RESPONDENT'S AFFIDAVIT IN OPPOSITION.

I, **NASIR MUMPANSHYA KASHIBA** of royal pride farms ltd, along Mwense Mansa Highway near Munwa bridge, in Oland Area in Chief Kashibas village Mwense district Luapula of the Republic of Zambia, do hereby make oath and say that:

1. That I am the Petitioner herein and as such am competent to depose to this my affidavit from facts and information within my personal knowledge, information, and belief.

2. That I have read and understood the contents of the Affidavit in Opposition sworn by **Jean Ngandwe Chisenga** and filed herein on the 07th September 2026

(hereinafter referred to as "the Affidavit in Opposition"), and I make this Affidavit in response thereto.

3. That paragraphs 1 to 9 of the Affidavit in Opposition are not in contention and I raise no issue with the same.

4. That the averments contained in paragraph 10 of the Affidavit in Opposition are disputed in their entirety, save only insofar as the same relate to the signing of minutes by the Petitioner's agent upon verification of the ballot boxes. The Petitioner's agent did sign the said minutes, to confirm that the ballot boxes were intact.

5. That in further response to paragraph 10 of the Affidavit in Opposition, the Petitioner states that the events complained of in the Petition and accompanying affidavit had their genesis in a post published by the 1st Respondent on the social media platform Facebook, in which the 1st Respondent alleged that the ballot boxes had been tampered with. That the said publication was the direct and proximate cause of the violence that followed, including but not limited to the assault upon the District Electoral Officer, which assault was itself motivated by the unfounded allegation of pre-marked ballots disseminated by the 1st Respondent.

6. That the averments contained in paragraphs 11 to 18 of the Affidavit in Opposition are disputed in their entirety. I repeat, reaffirm, and adopt the contents of my Affidavit Verifying Petition, and specifically paragraphs 18 to 31 thereof, as if the same were set out herein in full and I affirm the truth and accuracy of those paragraphs without qualification.

7. That in specific response to paragraph 18 of the Affidavit in Opposition, I wish to confirm that the violence, intimidation, obstruction, theft, and all other unlawful and irregular conduct described and particularised in my Affidavit Verifying Petition and which was caused and perpetuated by the 1st Respondent, her agents, servants, and supporters, directly and substantially prevented more than half of the registered voters in the constituency from freely and peacefully exercising their constitutional right to vote on the day of the election.

8. That I depose to the above facts verily believing the same to be true and correct in every respect thereof, to the best of my knowledge, information, and belief.

Sworn by the said

Nasir Mumpanshya Kashiba) .....

At lusaka the 12th day of Sept 2026) Deponent

Before Me:.....

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
14 SEP 2026
COMMISSIONER FOR OATHS
P.O. BOX 50067, LUSAKA

COMMISSIONER OF OATHS

Messrs. MGS Legal Practitioners
2nd Floor Room 223 Goldman House
Arcades Great East Road
LUSAKA
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P.O Box 320180
Phone number:+260961887351
Advocates for the Petitioner

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

2026/HP/EP/015

IN THE MATTER OF: **THE PARLIAMENTARY PETITION RELATING TO THE PARLIAMENTARY ELECTIONS FOR THE MAMBILIMA CONSTITUENCY HELD ON 13TH AUGUST, 2026**

AND

IN THE MATTER OF: **THE CONSTITUTION OF ZAMBIA, THE CONSTITUTION OF ZAMBIA ACT, CHAPTER 1, VOL. 1, OF THE LAWS OF ZAMBIA**

AND

IN THE MATTER OF: **ARTICLE 45, 54 AND 73 OF THE CONSTITUTION OF ZAMBIA, THE CONSTITUTION OF ZAMBIA ACT, CHAPTER 1, VOL. 1, OF THE LAWS OF ZAMBIA**

AND

IN THE MATTER OF: **SECTIONS 81, 83, 88, 89, 99 AND 100 OF THE ELECTORAL PROCESS ACT, NO. 35 OF 2016 OF THE LAWS OF ZAMBIA**

AND

IN THE MATTER OF: **THE ELECTORAL PROCESS (ELECTORAL CODE OF CONDUCT) NO. 35 OF 2016 OF THE LAWS OF ZAMBIA**

AND

IN THE MATTER OF: **THE HIGH COURT (ELECTION PETITION) RULES, 2026, STATUTORY INSTRUMENT NO. 31 OF 2026 OF THE LAWS OF ZAMBIA**

BETWEEN:

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

NASIR MUMPANSHYA KASHIBA **PETITIONER**

AND

JEAN NGANDWE CHISENGA **1ST RESPONDENT**
ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

AFFIDAVIT IN SUPPORT OF NOTICE OF MOTION TO RAISE PRELIMINARY ISSUES ON A POINT OF LAW

I, **JAMES KAYULA**, of Plot 2050, Mainstreet, Ibex Hill of the Lusaka City of Lusaka Province in the Republic of Zambia, **DO HEREBY MAKE OATH** and state as follows;

1. That my name and address are as stated above.

2. That I am the Advocate seized with the conduct of the matter herein on behalf of the 1st Respondent and therefore competent to swear this my Affidavit from facts within my personal knowledge, belief and understanding.

3. That the Petitioner herein filed his petition into Court on the 28th August 2028, challenging the election of the 1st Respondent as Member of Parliament for Mambilima Constituency

4. That a perusal of the petition herein shows that it is not accompanied by a list and description of documents to be relied on, and a bundle of documents.

5. That I further state that further the petition the petition contains evidence.

6. That the affidavit in support of the petition bears a different date in the jurat from the one in the attestation clause.

7. That I depose to the contents of this my affidavit verily believing the same to be true and correct to the best of my knowledge, belief and understanding.

SWORN by the said **JAMES KAYULA**
at Lusaka this 9 day of Sept 2026

DEPONENT

BEFORE ME: .....

COMMISSIONER FOR OATHS

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

AFFIDAVIT IN SUPPORT OF NOTICE OF MOTION TO RAISE PRELIMINARY ISSUES ON A POINT OF LAW

Messrs. Kayula & Associates
Lechwe Park
Plot No. 100/18A, Off Kapilikisha Road,
Kabulonga
P.O Box 50737
LUSAKA.
Email: info@kayulaassociates.com
ADVOCATES FOR 1ST RESPONDENT

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

2026/HP/EP/015

IN THE MATTER OF: THE PARLIAMENTARY PETITION RELATING TO THE PARLIAMENTARY ELECTION FOR THE MAMBILIMA CONSTITUENCY HELD ON 13TH AUGUST 2026

AND
IN THE MATTER OF: THE CONSTITUTION OF ZAMBIA, THE CONSTITUTION OF ZAMBIA ACT, CHAPTER 1, VOLUME 1, OF THE LAWS OF ZAMBIA

AND
IN THE MATTER OF: ARTICLE 73 OF THE CONSTITUTION OF ZAMBIA, CONSTITUTION OF ZAMBIA ACT, CHAPTER 1, VOLUME 1, OF THE LAWS OF ZAMBIA

AND
IN THE MATTER OF: SECTIONS 99 AND 100 OF THE ELECTORAL PROCESS NO. 35 OF 2016 OF THE LAWS OF ZAMBIA

AND
IN THE MATTER OF: THE ELECTORAL CODE OF CONDUCT 2016

AND
IN THE MATTER OF: THE HIGH COURT (ELECTION PETITION) RULES, 2026, STATUTORY INSTRUMENT NO. 31 OF 2026 OF THE LAWS OF ZAMBIA

BETWEEN:

NASIR MUMPANSHYA KASHIBA PETITIONER
AND
JEAN NGANDWE. CHISENGA FIRST RESPONDENT
ELECTORAL COMMISSION OF ZAMBIA SECOND RESPONDENT

REPUBLIC OF ZAMBIA HIGH COURT OF ZAMBIA 28 AUG 2026 PRINCIPAL REGISTRY 1 P.O. BOX 50067, LUSAKA.

AFFIDAVIT VERIFYING ELECTION PETITION

I, **NASIR MUMPANSHYA KASHIBA** of royal pride farms ltd, along Mwense Mansa Highway near Munwa bridge, in Oland Area in Chief Kashibas village

Mwense district Luapula of the Republic of Zambia, do hereby make oath and say that:

1. My name, nationality, and residential address are as stated above.

2. I am the Petitioner herein and as such am competent to depose to this my affidavit from facts and information within my personal knowledge, information, and belief.

3. This affidavit is deposed to in verification of the Election Petition filed simultaneously herewith which Petition was personally signed by me.

4. I am a businessman and was at the material time an adopted candidate at the National Assembly election for Mambilima Constituency held on 13 August 2026, sponsored by the United Party for National Development (UPND).

5. Save where it otherwise appears from the context, the matters deposed to in this affidavit are within my own personal knowledge and are true.Where I depose to matters on the basis of information received from named persons, I have in each instance disclosed the name of that person as the source of the information, and I verily believe the said information to be true. The persons from whom such information was received will themselves depose to the relevant facts by way of supporting affidavits to be filed in these proceedings.

6. That on the evening of 12th August 2026, the eve of polling day, I personally received a telephone call from **STEVEN CHIKOTA**, the Mwense Town Council Chairman. The voice of the said Council Chairman was audibly distressed and full of anxiety.

7. That he informed me that the District Electoral Officer (DEO) had been surrounded by a large mob of masked men, who were in the company of the 1st Respondent, Jean Ngandwe Chisenga and according to Steven Chikota, the mob was insulting the DEO and threatening to beat him on the suspicion that he had opened ballot boxes and pre-marked ballot papers in favour of UPND.

8. That upon receiving this report, I immediately dispatched my Campaign Manager, **JOHN MUMPANSHYA CHINYANTA** and his assistant, Damascus Chishala, to attend at the scene and verify what was happening.

9. That I am informed by John Mumpanshya Chinyanta and **DAMASCUS CHISHALA**, that upon their arrival at the Council Chambers they personally witnessed and observed the DEO being surrounded by numerous masked men who were in the company of the 1st Respondent and that the mob was threatening the DEO, insulting him and stating that they would beat him and kill him on the allegation that he had pre-marked ballot papers.

10. Further to paragraph 9 above, I was informed by the said john Mumpanshya chinyanta and Damascus Chishala that the atmosphere at the Council Chambers was one of overt and sustained intimidation directed at the DEO and other electoral officers present.

11. That when Jean Ngandwe Chisenga posted on her Facebook page that the ballot papers were tempered with, the video circulated which made people became very violent such that they started moving with stones and sticks threatening people. One presiding officer named Moses Mpundu who was alleged to be the one carrying the pre-marked ballots was attacked and injured. There is now produced and shown to me, marked "**NMK1**", a copy of Zambia Police Form 32, Police Medical Report Form.

12. That I am personally aware, from my own viewing of the post, that the 1st Respondent, published a post on her Facebook page accessed on:

https://www.facebook.com/share/v/19BD1yzHn1/?mibextid=wwXIfr

on the evening of 12th August 2026, in which she alleged that ballot papers had been tampered with. The said post went viral herein produced and shown to me marked **NMK2** a screen shot of the said post and as I personally observed and am aware, caused immediate and widespread public alarm and fury throughout Mambilima Constituency.

13. That the publication of the said post directly incited and inflamed members of the public, causing mobs to arm themselves with stones and sticks and to commit acts of violence against polling staff and voters perceived to be UPND supporters.

14. That further to paragraph 12 above is a report by **MOONO RICHWELL** confirming the attack of the presiding officer Moses Mpundu. There is now produced and shown to me, marked **"NMK3"**, a report dated 12th August, 2026.

15. That on the morning of 13th August 2026, the 1st Respondent was herself allowed, together with other candidates, to physically inspect the voting materials and was shown that no ballot papers had been pre-marked or tampered with herein produced and shown to me marked NMK3 a video obtained on the 1st Respondent's Facebook page accessed on https://www.facebook.com/share/v/19BD1yzHn1/?mibextid=wwXIfr

16. That I downloaded the said video from her facebook page using my computer an HP and therein transferred the same to a flash disc as stated under paragraph 15 above

17. That following that inspection, it was mutually agreed between UPND and NRPUP that each party should produce a representative to go through every polling station and verify that no ballot paper had been interfered with. The representatives so produced conducted the said inspection and confirmed without exception that no ballot paper had been pre-marked or tampered with in any way. Produced and shown to me and marked "**NMK** 4" is a document stamped 13th August 2026,

signed by the candidates, confirming the above agreement and verification.

18. That notwithstanding this agreement and its outcome, the 1st Respondent continued her campaign of violence and intimidation on polling day.

19. That on polling day, 13th August 2026, I am personally aware and I verily believe that the 1st Respondent, notwithstanding the agreement reached on the preceding night, stormed polling stations throughout Mambilima Constituency with a group of people I believe to have been brought from Lusaka.

20. That the said persons were not accredited by the ECZ and that they threatened polling staff and voters and committed acts of violence.

21. That I am personally aware that voters who had lawfully queued to vote at Mambilima, Munyangala, Munwa and Nsomfi, among other areas, were Chased and stoned from the voting queues Physically beaten by persons who had been planted and paid to carry out these acts; and Accused by the 1st Respondent and her agents of being Congolese foreigners a false and inflammatory label used to justify their expulsion from the polling queues and the denial of their right to vote.

22. That I am personally aware that these acts were carried out in the presence of members of the Zambia Police Service who stood by and watched without intervening, thereby failing to discharge their statutory duty to ensure the security of the electoral process.

23. That access roads leading to polling stations were deliberately blocked by agents of the 1st Respondent, preventing voters particularly those perceived to support UPND from reaching polling stations and casting their votes produced and shown to me and marked **NMK 5**, **NMK 6a,NMK6b,NMK6c** and **NMK7 and** respectively are video recordings which I personally viewed and which depicts the events of voter intimidation, Assault, harassment and chasing of voters described above of which were sent to me by **Robby Mwansa, Joseph Kalombwe**, Kelly **Chiluba and Jackson Chishala** I am advised by my advocates and verily believe that the said videos are is admissible as real evidence of the events complained of.

24. That on polling day, 13th August 2026, I am personally aware that the 1st Respondent, in the company of members of her campaign team, distributed ballpens to voters at polling stations. These were ballpens other than the official ballpens supplied by the ECZ. The persons who received these ballpens were identified supporters of NRPUP who were known to intend to vote for the 1st Respondent.

25. That I have been advised by my advocates and believe the same to be true that the distribution of ballpens at polling stations by a candidate is an illegal practice, as it involved campaign activities at polling stations on polling day in breach of the Electoral Process Act.

26. That, furthermore, it is considered an act of treating, in that voters were given items of value at the polling station in connection with the election and that it is also an interference with the secrecy of the ballot, as the distribution of external ballpens to identifiable NRPUP

supporters marked out those voters and undermined the secrecy of their votes.

27. I am informed by my polling agents who were deployed throughout the constituency, and I verily believe, that on the conclusion of polling, the 1st Respondent's agents and supporters chased away and ejected my polling agents from the tallying centres. The 1st Respondent's agents indicated to my representatives that the 1st Respondent's party had won the presidential elections and was now in control, thereby intimidating my agents into leaving and preventing them from verifying, witnessing or signing the results produced and shown to me and marked "**NMK 8**" is a copy of the GEN Form 20b on which the results were declared. The form does not bear the signature of my polling agents, which is consistent with my agents having been prevented from being present at the time of declaration and from signing the said form.

28. That the declaration of results in the absence of my agents, who were forcibly excluded from the process, renders the declaration procedurally irregular and fundamentally unreliable and constitutes a breach of the duty of the 2nd Respondent to ensure that all candidates' agents were present and able to participate in the verification and signing of results.

29. That on the 14th August 2026, I personally wrote a letter to the Electoral Commission of Zambia formally complaining about the conduct described herein and demanding that the results of the Mambilima Constituency election be rejected. Produced and shown to

me and marked "**NMK9**" is a true copy of the said letter dated 14th August 2026.

30. That I am aware that the said letter was received and stamped by the Council Secretariat of the Mwense Town Council on 15th August 2026. However, by the time I received the return copy confirming receipt, the election results for Mambilima Constituency had already been announced by the Returning Officer, notwithstanding the serious and substantiated complaints made therein the 2nd Respondent failed to take any corrective action.

31. That i aver that the cumulative and individually sufficient effect of the unlawful conduct particularised above was to materially and substantially affect the result of the election. The margin of victory claimed by the 1st Respondent was 4,017 votes (8,159 votes against 4,142 votes). I aver that this margin was directly produced by, and would not have existed but for, the unlawful conduct set out in this affidavit.

32. That I depose to the same believing the same to be true and collect to the best of my knowledge and believe.

Sworn by the said Nasir Mumpanshya) .....

At lusaka the 28 day of AUG .2026) Deponent

Before Me:.....

COMMISSIONER OF OATHS

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
28 AUG 2026
COMMISSIONER FOR OATHS
P.O. BOX 50067, LUSAKA

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

2026/HP/EP/_____

IN THE MATTER OF:	THE PARLIAMENTARY PETITION RELATING TO THE PARLIAMENTARY ELECTION FOR THE MAMBILIMA CONSTITUENCY HELD ON 13TH AUGUST 2026
AND	
IN THE MATTER OF:	THE CONSTITUTION OF ZAMBIA, THE CONSTITUTION OF ZAMBIA ACT, CHAPTER 1, VOLUME 1, OF THE LAWS OF ZAMBIA
AND	
IN THE MATTER OF:	ARTICLE 73 OF THE CONSTITUTION OF ZAMBIA, CONSTITUTION OF ZAMBIA ACT, CHAPTER 1, VOLUME 1, OF THE LAWS OF ZAMBIA
AND	
IN THE MATTER OF:	SECTIONS 99 AND 100 OF THE ELECTORAL PROCESS NO. 35 OF 2016 OF THE LAWS OF ZAMBIA
AND	
IN THE MATTER OF:	THE ELECTORAL CODE OF CONDUCT 2016
AND	
IN THE MATTER OF:	THE HIGH COURT (ELECTION PETITION) RULES, 2026, STATUTORY INSTRUMENT NO. 31 OF 2026 OF THE LAWS OF ZAMBIA

BETWEEN:

NASIR MUMPANSHYA KASHIBA	PETITIONER
AND	
JEAN NGANDWE CHISENGA	FIRST RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA SECOND RESPONDENT

CERTIFICATE OF EXHIBITS

These are the exhibits referred to in the affidavit of NASIR MUMPANSHYA KASHIBA herein produced and shown to me marked **NMK 1 to NMK 8** respectively.

Dated at LUSAKA the 25 day of Aug 2026.

Before Me:.....

COMMISSIONER OF OATHS

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
28 AUG 2026
COMMISSIONER FOR OATHS
P. O. BOX 50067, LUSAKA

Drawn By **Messrs. MGS Legal Practitioners**

2nd Floor Room 223 Goldman House

Arcades Great East Road

LUSAKA

Mgs.legalpractitioners@gmail.com

P.O Box 320180

Phone number:+260961887351

Advocates for the Petitioner

"NMK 21"

Stocked by QM Stores

ZP Form 32

Police Medical Report Form

A. Details of Complainant.

Name (first, middle and last name): MPUNJU Moses

Address: MPOKOMBA of KASHABA of MWENSE

Age: 59 Yrs | Occupation: | Sex: MALE

Marital Status: Married ✓ Single Divorced/ Separated/ Other

Next of Kin:

Name (first, middle and last name):	Relationship:	Address:	Phone #:
CHIPA DOROTHY	WIFE	MANSA	

B. Details of Allegations/Complaint: A CUT ON THE HEAD AS STONES AND STICKS WERE ALLEGED TO HAVE BEEN USED IN THE ACT.

C. Details of Police Officer:

Name: SIMATENDA LAWRENCE Rank: Station:

Service Number: 47600

Signature:

Date: 13TH AUGUST, 2026

13

Date Stamp

D. Details of Examiner:

Name: FLORES LUBUNGA | Title/Designation: SCO | Health Centre/Hospital: MAT

Signature:

Date Stamp

17 AUG 2026

Details of Person(s) Present during Exam. (Refers to parent, guardian, support person or any person the victim is comfortable with).

Name:	Address:	Contact:
Relationship to Victim:	Signature:	Date:

Details of Examination: (*Please provide full details on the extent of the injuries, discharge, or deposits of semen* or any other findings).

E. General Examinations.

"NMK 21"

Stocked by Q.A Stores.

Condition and Appearance: Stable

Garments: Clean non Bloody Stains

Body Injuries:

Reddened medial side of the (L) knee joint.
cuts on the Back and Parietal region of the Head as Demonstrated on the Pictures.

Identification Marks:

F. Ano-Genital Examinations.

Genital Examination:

Anal examination:

G. Investigations.

Swabs:	Date Done	Not Done (Tick)	Results	Comments
Oral				
Vaginal				
Urethral				
Rectal				
Other				

Tests:

Pregnancy				
HIV				
Syphilis				
Other:				

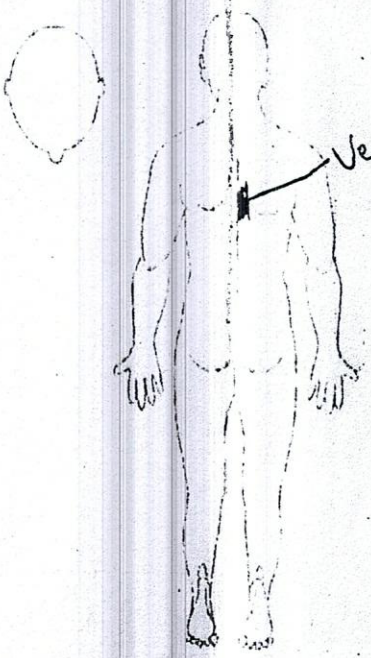
H. Indicate injuries on the sketches below.

Sketch of person

Comments

Parietal Region

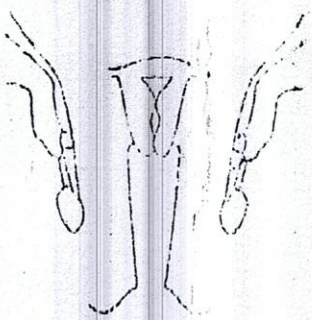




Vertical cut measuring 1-5cm.

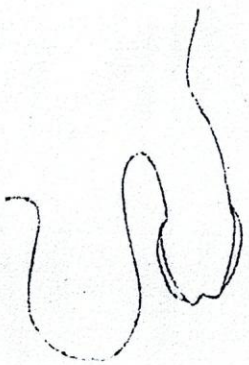
Female Genitalia

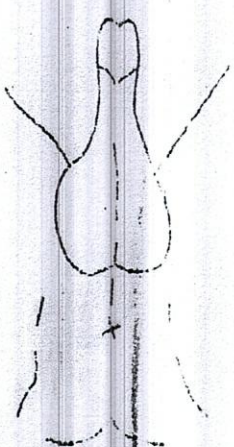






Male Genitalia







Packed by Cell Stores:

I. Findings (clearly Indicate the findings). : ~~Suspected~~ Soft tissue injuries of the ~~wrist~~ Grade due to a Sharp and soft tissue injury on the back.

J. Opinion in relation to the allegation/complaint in Part (B) (after conclusive examinations), state whether they are consistent or not consistent with the allegations/complaint).

As Above.

FOR USE BY THE EXAMINER

Signature:

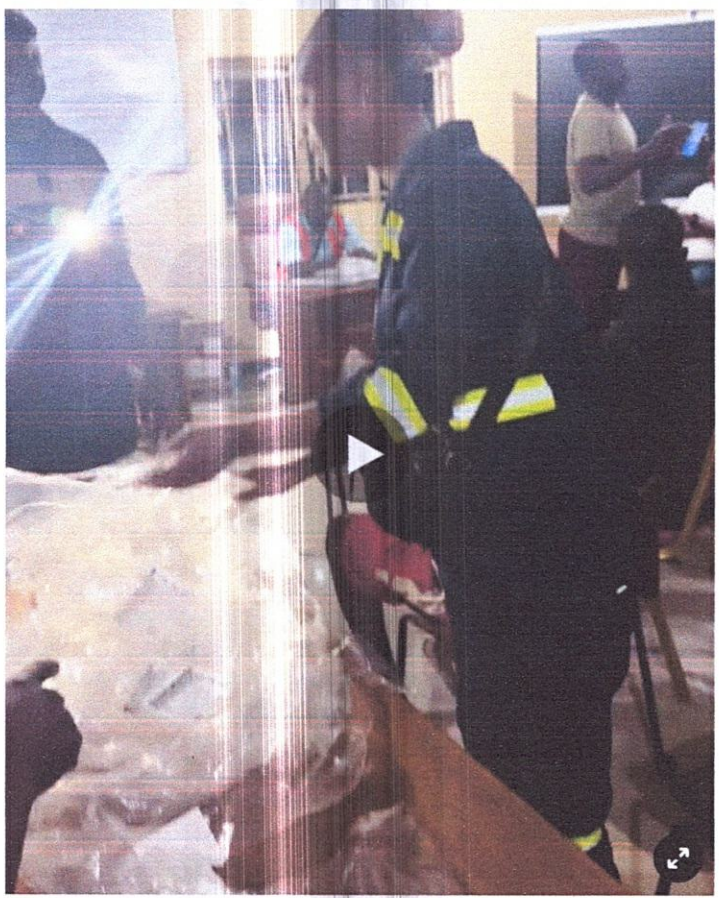
Title/Designation: Senior Clinical Officer

Date:

Official Stamp:

Chisenga Jean was live.
12 Aug ·

Mambilima right now, ballot boxes tempered



2.8K 655 comments 1.7K shares

"MMK 3

TO: The District Electoral Officer

FROM: MOONO RICHWELL: RETURNING OFFICER-MAMBILIMA

DATE : 12TH AUGUST, 2026

SUBJECT: ATTACK ON OUR PRESIDING OFFICER AT CHIFUMBE-02 POLLING STATION IN MWENSE DISTRICT OF LUAPULA PROVINCE.

I write to bring to your attention an incidence of political violence conducted by suspected NRPUP cadres on one of our poll staff-Mr Mpundu Moses at Chifumbe Health -02 polling station.

Our officers were deployed on 12th August, 2026 to the said polling station and arrived slightly after 21.00hours. upon their arrival, the mob invaded the polling station claiming that among our poll staff, there was a man called Chama America. They overpowered the uniformed officer and entered the polling station where they assorted Mr Mpundu Moses, the Presiding Officer.

After injuring the said Mr Mpundu Moses and leaving him with serious head injuries, the perpetrators stole the following Electoral Commission of Zambia materials:

1. Completed ballot paper account forms
2. Polling station record of proceedings at the count
3. Statement of rejected ballot papers
4. Polling station/ equipment issue form
5. Election officers' handbook
6. Two solar lamps
7. Voting booth.

Upon receiving this report from madam Hellen Mwape, the Presiding Officer, I rushed to the scene and delivered all the stolen materials so as not to affect the election at the said polling station. Mr Mpundu Moses was issued with a police report and rushed to Mwense district hospital where he received treatment.

NAME	**NRC**	**PHONE NO.**
1.MPUNDU MOSES	174880/41/1	0972547433- **Presiding Officer**
2. MWILA NOMSA JENIPHER	379684/31/1	0 779517962
3. MWAPE HELLEN	226476/34/1	097489006
4. KANGALA JOYCE	171553/34/1	0975959528
5. KAKOMBA COMFORT	172211/34/1	0771082246
6. MWANGE WILLIAM	190521/24/1	0978364329

COMPILED BY: MOONO RICHWELL

RETURNING OFFICER-MAMBILIMA CONSTITUENCY

"MMIS 4"

that were issued to Presiding Officers in the 10 stations that were visited:

1. Stephen Chikota of UPND
2. Chishala Jackson UPND
3. Nancy Mubanga NRPUP
4. JEAN N. CHISENGA NRPUP
   EMMANUEL Mulunga NRPUP
5. HUMPHREY CHAMA HOPE FOR HUMAN RIGHTS
6. LUKONDE GABRIEL
7. DON SICHALI NRPUP D. SICHALI
8. MOONO RICHWELL RETURNING OFFICER (MANDEVU)
9. Dulani Phiri DEO

REPUBLIC OF ZAMBIA
MINISTRY OF LOCAL GOVERNMENT
& RURAL DEVELOPMENT
13 AUG 2026
COUNCIL SECRETRY
MWENSE TOWN COUNCIL
P.O. BOX 760001, MWENSE

15 August 2026. 10:52 hrs

This Stakeholder meeting has been convened after field visits that were conducted beginning at about 04:30 hrs. The purpose of the visit was to ascertain alleged tampering of ballots that the of their issuance to Presiding Officers on the eve of the poll day.



Two teams were constituted, one for Mambilima Constituency and the other for Mwense Constituency.

10 polling stations under Mambilima were visited.

The findings were that:

- there ~~were~~ was no evidence of tampering of the ballot papers

"NMK-8"

GEN 20b
[Regulation 50(2)]
(complete in triplicate)

REPUBLIC OF ZAMBIA

ELECTORAL COMMISSION OF ZAMBIA

THE Electoral Process Act, 2016

(Act No. 35 of 2016)

The Electoral Process (General) Regulation, 2021

DECLARATION OF THE RESULTS OF THE POLL - Member of Parliament

I, MOONO RICHWELL being the Returning Officer for MAMBILIMA Constituency, MWENSE 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)
CHISENGA N Jean	NRPUP	8,159	Eight Thousand One Hundred and Fifty-Nine
KASHIBA N Mumpanshya	UPND	4,142	Four Thousand One Hundred and Forty-Two
MWABA J James	IND	591	Five Hundred and Ninety-One

I further declare that a total of 380 ballot papers have been rejected as invalid and that a total of 13,272 Votes were cast.

I therefore declare that the said CHISENGA N Jean to be this day duly elected as Member of Parliament for MAMBILIMA Constituency.

Dated this 14 day of August, 2026

Signature: .....

Witnessed by:

Name	Organisation	Signature	Name	Organisation	Signature
BWALYA COSMAS	NRPUP				
L. CHANSA	NRPUP				
Humphrey Chanda	MONITOR				

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.

'WMK 9'

REPUBLIC OF ZAMBIA
MINISTRY OF LOCAL GOVERNMENT
& RURAL DEVELOPMENT
15 AUG 2026
COUNCIL SECRETRY
MWENSE TOWN COUNCIL
P.O. BOX 780001, MWENSE

NASIR MUMPANSHA KASHIBA
ROYAL PRIDE FARMS
MWENSE–MANSA HIGHWAY
NEAR MUNWA STREAM
14th AUGUST, 2026

TO:
DISTRICT ELECTORAL OFFICER
MWENSE TOWN COUNCIL (CS)
MWENSE

Dear Sir,

REF: REJECT THE ELECTION OF MAMBILIMA CONSTITUECY AND STOP THE RESULTS ANNOUNCEMENT

I am a candidate for Mambilima Constituency and duly authorised to complain and demand for the Commission to stop the election in the said constituency due to widespread electoral misconduct and violence, intimidation, robbery and vote buying occasioned by Jean N. Chisenga and her cadres who are brought in to intimidate and torment Mambilima residents.

It is my considered view that if such electoral conduct is allowed and the perpetrator, who is a candidate, is announced, the damage to the credibility of elections will be downgraded and will serve as an example of how it is possible to win violently and be declared winner.

The conduct of Jean Chisenga, who is a candidate in this election, by inciting people and her security cadres and general public that there are pre-marked ballot papers caused widespread riots and a serious offence of aggravated robbery in which a knife was used on one presiding officer and his bag robbed with 2 phones by the group.

Spending fear and panic to would-be voters. The stoning of people who are lined to vote on the voting day and sending away or stopping people to vote is among more violations.

The intimidation of Poll Staff by storming polling stations by the candidate and calling her people showed great disrespect and intimidation not only to staff but even to voters. She was commanding all her people to stop work and come to her and whisper to them to send their numbers while the election was happening; an act she used to send money after the election is done.

The presence of people not accredited by ECZ at polling stations showing voters how to vote is another serious violation that requires serious actions to deter would-be offenders.

Lastly, there was voter apathy as many voters were paid to stay home and many feared engineered violence, victimisation, stoning and beating people in a wide spread manner.

In view of the above, I submit that ECZ should reject the election as a sham, and do not give it credence by announcing her as a winner with all that malpractices.

I submit,

Mumpanshya
Kashiba N
0978494041



"NMK 9"

Nasir Mumpanshya Kashiba

Royal Pride Farms (ltd) Z

Mwense-Mansa Highway

Near Munwa Bridge

Mwense.

19 August 2026.

To.

District Electoral Officer
Mwense Town Council
MWENSE

Dear Sir,

REF: REQUEST FOR A REPORT OF EVENTS LEADING TO THE BEATING OF YOUR PRESIDING OFFICER AND DISTROYING PROPERTIES/POLLING STATION.

I refer to the above captioned matter and wish to state that I am the Candidate for Mambilima Constituency who took part in the 13th August, 2026 General Election as an M.P. who is party of the Electoral Process and duly authorised to have a written report and supposed action taken on the following matters:

1. **Evening of 12th August, 2026:** Storming of Council Chambers with Jean Chisenga, alleging that you possessed pre-marked ballot papers. Threats to electoral officers including yourself.
2. **Evening of 12th August, 2026:** Beating of Presiding Officer at Chifumbe Polling Station and a ZNS armed officer disarmed and re-armed later after sensing that they are being seen by people.
3. **13th August, 2026:** Unilateral storming of polling station with masked cadres of Jean Chisenga and threatening the poll staff.

   — Refusing people to vote by blocking access roads to polling stations and vote buying.

   — Paying people to stone people who have lined up to vote.

4. **13th August, 2026:** Allowing who were not accredited by ECZ to storm polling stations and totaling centres without cards or identity.

   — Forcing R.O. to announce the unverified results.

These and many more has prompted me to seek a clear report on the above.

Yours faithfully,

N. M. Kashiba

Drawn By **Messrs. MGS Legal Practitioners**

2nd Floor Room 223 Goldman House
Arcades Great East Road
LUSAKA
Mgs.legalpractitioners@gmail.com
P.O Box 320180
Phone number:+260961887351

Advocates for the Petitioner

IN THE HIGH COURT FOR ZAMBIA **2026/HP/EP/015**
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(Civil Jurisdiction)

IN THE MATTER OF: **THE PARLIAMENTARY PETITION RELATING TO THE PARLIAMENTARY ELECTIONS FOR THE MAMBILIMA CONSTITUENCY HELD ON 13TH AUGUST, 2026**

AND

IN THE MATTER OF: **THE CONSTITUTION OF ZAMBIA, THE CONSTITUTION OF ZAMBIA ACT, CHAPTER 1, VOL. 1, OF THE LAWS OF ZAMBIA**

AND

IN THE MATTER OF: **ARTICLE 45, 54 AND 73 OF THE CONSTITUTION OF ZAMBIA, THE CONSTITUTION OF ZAMBIA ACT, CHAPTER 1, VOL. 1, OF THE LAWS OF ZAMBIA**

AND

IN THE MATTER OF: **SECTIONS 81, 83, 88, 89, 99 AND 100 OF THE ELECTORAL PROCESS ACT, NO. 35 OF 2016 OF THE LAWS OF ZAMBIA**

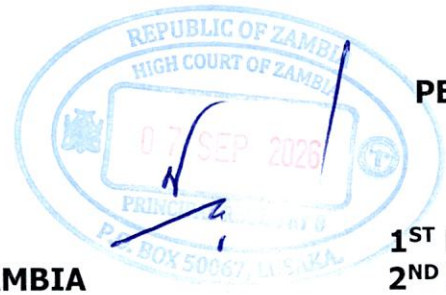
AND

IN THE MATTER OF: **THE ELECTORAL PROCESS (ELECTORAL CODE OF CONDUCT) NO. 35 OF 2016 OF THE LAWS OF ZAMBIA**

AND

IN THE MATTER OF: **THE HIGH COURT (ELECTION PETITION) RULES, 2026, STATUTORY INSTRUMENT NO. 31 OF 2026 OF THE LAWS OF ZAMBIA**

BETWEEN:



NASIR MUMPANSHYA KASHIBA **PETITIONER**

AND

JEAN NGANDWE CHISENGA **1ST RESPONDENT**
ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

1ST RESPONDENT'S ANSWER

IF IT MAY PLEASE THIS HONOURABLE COURT; the 1st Respondent above named respondents as follows:

1. The contents of Paragraphs 1, 2, 3, 4 and 5 of the Parliamentary Petition (hereinafter referred to as *"the Petition"*) are not disputed.

2. The contents of Paragraph 6 of the Petition are admitted only to the extent that the Petition was presented within fourteen (14) days and was signed by the Petitioner but deny that it is in accordance with the High Court (Election Petition) Rules, 2026.

3. The 1st Respondent denies the contents of Paragraph 7 of the Petition and maintains that her election as Member of Parliament for Mambilima Constituency is legal and valid.

4. The contents of Paragraphs 8, 9, 10 and 11 of the Petition are denied as neither the 1st Respondent's agents nor herself used violence, threats of violence and/or intimidation against voters, electoral officers and/or polling staff. The following is the correct narration of what transpired on the 12th August, 2026:

    i. All stakeholders were invited at Mwense Town Council where the District Electoral Officer was stationed for purposes of verification of the ballot boxes before they could be distributed to the wards and/or polling stations;

    ii. While at Mwense Town Council where the stakeholders and the 1st Respondent was also present, the verification was done by opening one ballot box which was randomly picked among many other ballot boxes;

    iii. After the said ballot box was opened, it was found to be okay and all the stakeholders agreed that it was sufficient for purposes of verification to only open one box, and then distribute the rest without opening them;

iv. It was also agreed by the stakeholders that the distribution was to be done without delay;

v. However, about two (2) to three (3) hours later, the ballot boxes had not yet been distributed to the various wards and/or polling stations and there was confirmation that ballot boxes had been opened;

vi. One of the candidates for Council Chairperson, Charles Mwelwa immediately went to the Civic Centre and found one of the ballot boxes being sealed by one of the Poll Staff, and the said Charles Mwelwa immediately contacted the Returning Officer for Mambilima Constituency who confirmed that all the ballot boxes had been opened for purposes of getting the serial numbers;

vii. The said Charles Mwelwa went to Mwense Town Council where it was also confirmed that the ballot boxes had all been opened. When he asked why the ballot boxes were opened in the absence of the stakeholders, he was told by the Poll Staff that it was for purposes of getting the serial numbers. The said Charles Mwelwa also asked why the ballot boxes had to be opened for serial numbers when the serial number was on top of each ballot box, and thus, one did not need to open the ballot box to get a serial number;

viii. Consequently, the said Charles Mwelwa then went to Mwense Police and called the stakeholders, the District Electoral Officer, the political parties as well as the 1st Respondent who all came through, and the Petitioner herein sent his agents;

ix. A meeting was convened and the District Electoral Officer (DEO) did acknowledge that a mistake was made by opening all the ballot boxes in the absence of stakeholders, and a proposal was made that stakeholders

go round to check all the ballot boxes that were sent to the ten (10) stations;

x. All the stakeholders agreed to this proposal, went round and confirmed that all the ballot boxes although they had been opened were okay. This was confirmed by the stakeholders signing a document of the minutes of the meeting where the Petitioner's agent also signed agreeing that all issues had been resolved.

5. The contents of Paragraphs 12, 13, 14, 15 and 16 of the Petition are peculiar to the Petitioner as the same are not associated with the 1st Respondent nor her agent(s) as listed in her nomination paper.

6. In response to the contents of Paragraph 17 of the Petition, the 1st Respondent's Facebook post was not alleging pre-marked ballot papers but was simply about the ballot boxes that were opened in the absence of the stakeholders. It was a legitimate and well – founded concern after the occurrences in Paragraph 4 above. The 1st Respondent denies that she engaged in campaign of violence and the Petitioner will be put to strict proof thereof.

7. The contents of Paragraphs 18 and 19 of the Petition are denied and the Petitioner will be put to strict proof thereof at trial. In any case, the Petitioner has not shown how these alleged hordes of masked men are associated with the 1st Respondent nor her agent (s). Further, the 1st Respondent denies ever having sent any money to the alleged supporters and that she never engaged in any acts of bribery or illegality in connection with the election.

8. The contents of Paragraphs 20 and 21 are denied. The 1st Respondent denies having had any cadres as alleged by the Petitioner and states that she could not be held liable for acts of cadres and supporters who were not her agent(s) as per the nomination paper.

9. In response to the contents of Paragraph 22 of the Petition, the 1st Respondent states that she is not responsible for the actions and conduct of the police.

10. The contents of Paragraph 23 of the Petition are denied and the Petitioner will be put to strict proof thereof as no agent(s) of the 1st Respondent blocked any voters.

11. The contents of Paragraph 24 of the Petition cannot be attributed to the 1st Respondent nor her agent(s). The 1st Respondent cannot be held liable for acts of supporters who are not her agent(s) as per the nomination documents filed by the 1st Respondent.

12. The contents of Paragraph 25 of the Petition are denied and the 1st Respondent states that she did not commit any of the alleged acts by the Petitioner of sending money to her supporters and/or paying individuals to chase away voters.

13. In response to the contents of Paragraph 26 of the Petition, the 1st Respondent states that the duty of ensuring that only accredited persons accessed polling stations was one borne by the 2nd Respondent, and not the 1st Respondent.

14. The contents of Paragraph 27 of the Petition are denied as the 1st Respondent did distribute any materials including ball pens at any polling station.

15. The contents of Paragraphs 28, 29 and 30 of the Petition are not attributable to the 1st Respondent nor her agent(s).

16. In response to the contents of Paragraphs 31 and 32 of the Petition, the 1st Respondent will aver that she did not, whether by her agent, exert any pressure or duress on the Returning Officer to announce results, results were only announced after the counting was completed.

17. In response to the contents of Paragraphs 33 and 34 of the Petition, the 1st Respondent repeats the contents of Paragraph 4 above.

18. In response to the contents of Paragraph 35 of the Petition, the 1st Respondent states that neither herself nor her election agent was involved in the alleged electoral misconduct by the Petitioner.

19. As regards the contents of Paragraph 36 of the Petition, the 1st Respondent denies any involvement in any of the illegal activities mentioned therein whether by herself or through her agent(s).

20. In response to the contents of Paragraph 36 of the Petition, the 1st Respondent states that none of the allegations complained of by the Petitioner has been successfully attributed to the 1st Respondent or her election agent. Further, the 1st Respondent states that there has been no demonstration that the allegations aforesaid were widespread so as to affect the outcome of the elections.

21. In light of the foregoing, the Petitioner is not entitled to any reliefs as claimed in the Petition, and the Petition be dismissed with costs to the 1st Respondent.

Dated at Lusaka the_____day of_____2026

_____

JEAN NGANDWE CHISENGA
(1ST RESPONDENT)

Per: _____

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