IN THE HIGH COURT FOR ZAMBIA **2026/HP/EP/037**

AT THE PRINCIPAL REGISTRY

HOLDEN AT LUSAKA

(Civil Jurisdiction)

IN THE MATTER OF:	**THE PARLIAMENTARY ELECTION PETITION FOR WUSAKILE CONSTITUENCY SITUATE IN THE KITWE DISTRICT OF THE COPPERBELT PROVINCE OF THE REPUBLIC OF ZAMBIA HELD ON 13th AUGUST 2026**
IN THE MATTER OF:	**ARTICLE 73 (1) OF THE CONSTITUTION OF ZAMBIA AS READ WITH SECTION 98 (c) OF THE ELECTORAL PROCESS ACT No. 35 OF 2016**
IN THE MATTER OF:	**SECTION 83 OF THE ELECTORAL PROCESS ACT No. 35 OF 2016**
IN THE MATTER OF:	**SECTION 97 OF THE ELECTORAL PROCESS ACT No. 35 OF 2016**
IN THE MATTER OF:	**THE SCHEDULE TO THE ELECTORAL PROCESS ACT No. 35 OF 2016**
IN THE MATTER OF:	**THE ELECTORAL (CODE OF CONDUCT) REGULATIONS 2011 STATUTORY INSTRUMENT No. 52 OF 2011**
IN THE MATTER OF:	**THE ELECTORAL COMMISSION OF ZAMBIA ACT No. 25 OF 2026**

BETWEEN:

KATAYI CHIBESA	**PETITIONER**
AND	
KALOBO PAVYUMA	**1st RESPONDENT**
THE ELECTORAL COMMISSION OF ZAMBIA	**2nd RESPONDENT**

AFFIDAVIT IN OPPOSITION TO AFFIDAVIT VERIFYING FACTS IN PETITION

I, **CHONGO EMMANUEL** of B16/13 Bulangililo in the Kitwe District of the Copperbelt Province of the Republic of Zambia do hereby **MAKE OATH** and **SAY** as follows:

1. THAT my full name and address are as stated above.
2. THAT I am a Zambian National.

3. THAT I am a Returning Officer at Wusakile Constituency for the Elections held on 13th August, 2026 and as such, I am competent to swear to this Affidavit in my capacity as such and from facts within my personal knowledge.
4. THAT I have read the contents of the Petitioner's Affidavit Verifying Facts dated 31st August, 2026 and wish to respond as hereunder;
5. THAT **Paragraphs 1 to 3 of the Affidavit Verifying Facts** are materially not in dispute.
6. THAT the contents of **Paragraph 4 and 5** are neither admitted nor denied as the same are matters within the peculiar knowledge of the Petitioner.
7. THAT **Paragraphs 6, 7, 8, 9, 10 and 11 of the Affidavit Verifying Facts** are materially not in dispute.
8. THAT in response to **Paragraph 12 of the Affidavit Verifying Facts,** I will state that the election timetable was adopted with the consent of all political parties at a meeting, and I verily believe Wusakile Constituency recorded no breaches of the said election timetable. I further state that I have no personal knowledge of the allegations of violence levelled by the 1st Respondent against the Petitioner.
9. THAT the contents of **Paragraph 13 of the Affidavit Verifying Facts,** to the effect that intimidation or bullying affected the majority of voters or otherwise materially affected the outcome of the election are vehemently denied as the same are only within the peculiar knowledge of the Petitioner and were not reported to the 2nd Respondent.
10. THAT the contents of **Paragraph 14** are denied. To the best of my knowledge and belief, the Petitioner's assertion that polling stations were left unmanned due to fear for life are known to himself, as no such incidents were recorded on the day of the elections. I further

state that all polling stations are manned by Police Officers who are duty-bound to act in the event of any acts of violence such as those alleged by the Petitioner.

11. THAT the contents of **Paragraph 15 and 16 of the Affidavit Verifying Facts** are denied and I reiterate that there was no record of any violence at the polling stations as alleged. Furthermore, all polling stations were manned by Police Officers whose mandate included the prevention of such incidents as those alleged by the Petitioner.
12. THAT the contents of **Paragraph 17 of the Affidavit Verifying Facts** are denied in relation to the purported irregularities in the wards and the Petitioner will be put to strict proof thereof at trial.
13. THAT in response to **Paragraph 18 and 19 of the Affidavit Verifying Facts,** I will state that I have no knowledge of such alleged acts as the same were never reported to the 2nd Respondent. I further state that any incidents occurring outside the precincts of the polling station are beyond the control of the 2nd Respondent, more so in the absence of any formal complaint having been lodged with the 2nd Respondent.
14. THAT the contents of **Paragraph 20 of the Affidavit Verifying Facts** are vehemently denied and I will repeat the contents of **Paragraphs 11 above in response to the same.** I further state that no formal complaint was lodged by the Petitioner with the 2nd Respondent.
15. THAT in response to **Paragraph 21 of the Affidavit Verifying Facts,** I will state that although the campaign period had officially closed, the authority of the 2nd Respondent did not extend to allegations of violence or manipulation in the absence of a formal complaint.
16. THAT I make no comment as to the contents of **Paragraph 22 of the Affidavit Verifying Facts as the same are within the peculiar knowledge of the Petitioner** and accordingly put the Petitioner to strict proof thereof.

17. THAT in response to **Paragraph 23 of the Affidavit Verifying Facts,** I will state that no formal complaint was received from the Petitioner at the time of the elections. The assertions contained therein are only within the Petitioner's peculiar knowledge and thereby denied.

18. THAT the contents of **Paragraph 24 (a) to (e) of the Affidavit Verifying Facts** are allegations that were never formally lodged as complaints before the 2nd Respondent. Consequently, the same are within the exclusive knowledge of the Petitioner who will be put to strict proof thereof.

19. THAT in response to **Paragraphs 25 and 26 of the Affidavit Verifying Facts,** I reiterate that no incidents of violence were recorded in Wusakile Constituency. I am advised by the 2nd Respondent's Advocates that, in the absence of a formal complaint, any alleged acts of violence perpetrated by third parties cannot be attributed to a breach by the 2nd Respondent merely by virtue of its statutory mandate to conduct and administer elections.

20. THAT I make no comment to the contents of **Paragraphs 27, 28, 29, 30 and 31 of the Affidavit Verifying Facts** as the same are matters within the Petitioner's peculiar knowledge and will be put to strict proof thereof.

21. THAT in response to **Paragraph 32 of the Affidavit Verifying Facts,** I will state that a request for a re-count can only be made at a polling station at the time of counting and I verily believe that no agent of the Petitioner made a request for a re-count at any polling station.

22. THAT I will state further that the totaling center only receives votes that have already been counted, verified and signed for by relevant parties at the polling stations.

23. THAT in response to **Paragraph 33 of the Affidavit Verifying Facts,** I will state that the GEN20 Form is valid, notwithstanding the absence of the signature of one party. The 2nd Respondent does not require all political party representatives to sign the GEN20 Form before results can be announced.

24. THAT the contents of **Paragraph 34 of the Affidavit Verifying Facts** are assertions within the Petitioner's peculiar knowledge as no formal complaint was lodged with the 2nd Respondent.

25. THAT the contents of **Paragraph 35 of the Affidavit Verifying Facts are vehemently denied,** as no formal complaints were lodged with the 2nd Respondent as required by the law. Consequently, the 2nd Respondent denies having neglected any complaint as it had no knowledge of the alleged complaints.

26. THAT the contents of **Paragraph 36 and 37 of the Affidavit Verifying Facts** are within the peculiar knowledge of the Petitioner and I will repeat the contents of **Paragraph 9 above.** I further state that the Parliamentary Elections held on **13th August, 2026** were held freely and fairly and in compliance with the Electoral Process Act.

27. THAT I verily believe that the 1st Respondent was duly elected and returned as the Member of Parliament for Wusakile Constituency.

28. THAT I depose to the contents of this Affidavit verily believing the same to be true and correct to the best of my knowledge and belief.

SWORN BY the said)
CHONGO EMMANUEL)
At Lusaka this 11)
Day of Sept 2026.)

DEPONENT

BEFORE ME: _____

COMMISSIONER FOR OATHS

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