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

2026/HP/EP/037

IN THE MATTER OF:	**THE PARLIAMENTARY ELECTION PETITION FOR WUSAKILE CONSTTUENCY SITUATE IN THE KITWE DISTRICT OF THE COPPERBELT PROVINCE OF THE REPUBLIC OF ZAMBIA HELD ON 1 3TH AUGUST 2026**
AND IN THE MATTER OF:	**ARTICLE 73 (1) OF THE CONSTITUTION OF ZAMBIA AS READ WITH SECTION 98 (C) OF THE ELECTORAL PROCESS ACT NUMBER 35 OF 2016**
AND IN THE MATTER OF:	**SECTION 83 OF THE ELECTORAL PROCESS ACT NO.35 OF 2016**
AND IN THE MATTER OF:	**SECTION 97 OF THE ELECTORAL PROCESS ACT NUMBER 35 OF 2016**
AND IN THE MATTER OF:	**SECTIONS 98, 99 & 100 OF THE ELECTORAL PROCESS ACT NO.35 OF 2016**
AND IN THE MATTER OF:	**THE SCHEDULE TO THE ELECTORAL PROCESS ACT NO 35 OF 2016**
AND IN THE MATTER OF:	**THE ELECTORAL (CODE OF CONDUCT) REGULATIONS 2011 STATUTORY INSTRUMENT NO.52 OF 2011**
AND IN THE MATTER OF:	**THE ELECTORAL COMMISSION OF ZAMBIA ACT NO. 25 OF 2016**

BETWEEN:

KATAYI CHIBESA — **PETITIONER**
AND

KALOBO PAVYUMA — **1ST RESPONDENT**
THE ELECTORAL COMMISSION OF ZAMBIA — **2ND RESPONDENT**

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

THE PETITIONER'S AFFIDAVIT IN OPPOSITION TO THE 1ST RESPONDENT'S AFFIDAVIT IN SUPPORT OF NOTICE OF MOTION TO RAISE PRELIMINARY ISSUE

I **KATAYI CHIBESA** of Plot No. 2509, SOS, New Chamboli, Copperbelt Province of the Republic of Zambia do hereby **MAKE OATH** and **SAY** as follows:

1. That my full names and address are as stated above.

2. That I am the Petitioner in the matter herein, thus competent to swear this my affidavit from facts and matters that are within my personal knowledge, in which case they are true, or have been leant by me through perusal of documents and by discussion with my various agents in the polling stations, in which case they are true to the best of my knowledge.

3. That I was served with a Notice of Motion to raise preliminary issue through my advocates and I have carefully read the affidavit in support the Notice and now respond as hereunder;

4. That the contents of paragraphs 1, 2 and 3 of the 1st Respondent's Affidavit in support of the Notice of Motion to raise preliminary issue are admitted.

5. That the contents of paragraphs 4, of the 1st Respondent's Affidavit in support of the Notice of Motion to raise preliminary issue are within the peculiar knowledge of the 1st Respondent.

6. That, contrary to the contents of paragraph 5 of the 1st Respondent's Affidavit in Support of the Notice of Motion to raise a preliminary issue, the grounds have been properly pleaded under paragraphs 5, 6, 7, 8, 9, 10, 11, 12 (a–e), 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, and 24 of the Petition, in conformity with the requirements of the Rules.

7. That the contents of paragraph 6 (i) of the 1st Respondent's Affidavit in Support of the Notice of Motion to raise a preliminary issue are denied, as there was no order by this Honourable Court prescribing the quantum of security for costs payable in accordance with the law.

8. That the contents of paragraph 6 (ii) of the 1st Respondent's Affidavit in Support of the Notice of Motion to raise a preliminary issue are denied, as the said list of authorities was duly filed, save that certain cases reflected therein were erroneously included as a result of typographical errors, and the same were not argued in the skeleton arguments, having been the product of such error.

9. That the contents of paragraph 6 (iii) of the 1st Respondent's Affidavit in Support of the Notice of Motion to raise a preliminary issue are denied. The correct position is that the said copies of authorities relied upon were duly filed and served on the 1st Respondent before the close of pleadings, and the same accompany the Petition in accordance Rule 9 sub-rule 3 (c) of the Statutory Instrument 31, High Court (Election Petition) Rules, 2026.

10. That the contents of paragraph 7 of the 1st Respondent's Affidavit in Support of the Notice are incorrect as the said documents can come either by affidavit or by bundle and the same have been produced.

11. That as regards the contents of paragraph 8 of the 1st Respondent's Affidavit in Support of the Notice, I have been advised by my advocates that the said advice is premature as there has been compliance as the matters complained of are all on record accompanying the Petition.

12. That I am advised by my advocates, and verily believe the same to be true, that although the 1st Respondent is legally entitled to bring the application before this Honourable Court, the same is not supported by law or facts and ought to be dismissed, whereupon the matter should proceed to trial on its merits

13. That I depose to the foregoing contents in this my affidavit verily believing the same to be true and correct to the best of my knowledge.

SWORN by the said
KATAYI CHIBESA)
at Lusaka the 14)
day of Sept **2026)**

_____
Deponent

BEFORE ME: _____
COMMISSIONER FOR OATHS

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