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

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
14 SEP 2026
PRINCIPAL REGISTRY 4
P.O. BOX 50067, LUSAKA

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**

THE PETITIONER'S REPLY TO THE 1ST RESPONDENT ANSWER TO THE PETITION

The Petitioner, **KATAYI CHIBESA,** in reply to the 1st Respondent's Answer, shall state that save in so far as is herein expressly admitted, the Petitioner denies each and every allegation contained in the 1st Respondent's answer to the petition as if the same were set forth herein and specifically traversed seriatim.

1. The contents of paragraph 3 of the 1st Respondent's Answer are incorrect. The Petitioner shall aver at trial that the 1st Respondent, by himself and through his agents and party cadres, orchestrated and sponsored the violence, by among others,deliberate disregard to the timetable issued by the Electoral Commission of Zambia, which was intended to maintain order during the campaign period.
2. On 24th June 2026, a day reserved for campaigns by the UPND, the 1st Respondent, together with his agents and party cadres, including Mr. Charles Silomba, Mr. Charles Kabwita, and Mr. Yaya Shawa, were arrested and charged with offences of conduct likely to cause a breach of the peace. This occurred after the 1st Respondent deliberately disregarded the 2nd Respondent campaign timetable.

3. The contents of paragraph 5 of the 1st Respondent's Answer to the Petition is denied and the Petitioner repeats the contents of paragraphs 2 of the Petitioner's reply to the answer to the petition.

4. The contents of paragraph 6 of the 1st Respondent's answer to the petition are denied and the Petitioner shall aver at trial that the 1st Respondent herein procured and orchestrated the violence to give himself an advantage to the votes.

5. The contents of paragraph 7 of the 1st Respondents answer to the petition are incorrect, the Petitioner shall repeat the contents of paragraph 8 of its petition.

6. The contents of paragraphs 10 of the 1st Respondents answer to the petition are incorrect, the petitioner shall aver at trial that the 1st Respondent did declare himself winner in a video he widely circulated.

7. The Petitioner denies the contents of paragraph 12(a) of the 1st Respondent's Answer to the Petition. The Petitioner shall aver at trial that the 1st Respondent has, in fact, admitted

to the violence in paragraph **30(a)** of his affidavit in opposition. The Petitioner shall further contend at trial that, as the timetable will demonstrate, the said dates in that week were reserved for the Petitioner through the UPND to campaign, but that the 1st Respondent proceeded to campaign in total disregard of the timetable.

8. A further study of the alleged letter to the Town Clerk reveals that the purported complaint was never served upon, or received by, the Town Clerk of Kitwe City Council.

9. As to the contents of paragraph 12(b) of the 1st Respondent's Answer, the Petitioner denies the same as incorrect and shall, at trial, repeat the averments contained in paragraph 12(b) of the Petition.

10. As to the contents of paragraph 12(c) of the 1st Respondent's Answer, the Petitioner denies the same as incorrect and shall, at trial, repeat the averments contained in paragraph 12(c) of the Petition.
11. As to the contents of paragraph 12(d) of the 1st Respondent's Answer, the Petitioner denies the same as incorrect and shall, at trial, repeat the averments contained in paragraph 12(d) of the Petition.

12. As for the contents of paragraph 12(e) of the 1st Respondent's Answer, the Petitioner denies the same as incorrect and shall, at trial, repeat the averments contained in paragraph 12(e) of the Petition.
13. The contents of paragraph 13 of the 1st Respondent's Answer are incorrect, the Petitioner shall be able to show at trial that there was malpractice and shall rely on the averments in the Petition.

14. The contents of paragraph 14 of the 1st Respondent's Answer are incorrect, the Petitioner shall at trial show that there was malpractice and shall rely on the averments in the Petition.

15. The contents of paragraph 15 of the 1st Respondent's Answer are incorrect, the Petitioner shall be able to show at trial that the results declared in favor of the 1st respondent were not a reflection of the wish of the majority of the voters and shall rely on the averments in the Petition.

16. The contents of paragraph 16 of the 1st Respondent's Answer are incorrect, the Petitioner shall repeat the contents and averments in the Petition.

17. The contents of paragraph 19 of the 1st Respondent's Answer are incorrect, the Petitioner shall at trial repeat the contents and averments in the Petition.

18. The contents of paragraph 20 of the 1st Respondent's Answer are incorrect, the Petitioner shall at trial repeat the contents and averments of paragraph 20 of the Petition.

19. The contents of paragraph 21 of the 1st Respondent's Answer are incorrect, the Petitioner shall at trial repeat the contents and averments in paragraph 21 of the Petition

20. As to the contents of paragraph 22 of the 1st Respondent's Answer, the Petitioner admits only to the extent of the admission therein. The Petitioner shall aver at trial that the remainder of the paragraph is incorrect and shall repeat the contents and averments contained in paragraph 22 of the Petition.

21. The contents of paragraph 23 of the 1st Respondent's Answer are incorrect, the Petitioner shall at trial repeat the contents and averments in paragraph 23 of the Petition

22. The contents of paragraph 24 of the 1st Respondent's Answer are incorrect, the Petitioner shall at trial repeat the contents and averments in paragraph 24 of the Petition

23. The contents of paragraph 26 of the 1st Respondent's Answer are incorrect, the Petitioner shall at trial repeat the contents and averments in paragraph 26 of the Petition and shall aver that the Petitioner is entitled to all the reliefs being sought.

24. The contents of paragraph 27 of the 1st Respondent's Answer are incorrect, the Petitioner shall at trial aver and repeat the contents and averments in paragraph 27 of the Petition.

25. The contents of paragraph 28 of the 1st Respondent's Answer are incorrect and denied, the 1st Respondent shall be put to strict proof of his allegation thereof.

26. The Petitioner shall further aver at trial that it was the 1st Respondent who alleged that the Petitioner would wear his wife's Police uniform and impersonate a Police officer, and further alleged that the Petitioner was a criminal who had been convicted and sentenced to a ten-year term of imprisonment

27. As to the contents of paragraph 29 of the 1st Respondent's Answer, the Petitioner denies the same as incorrect and shall aver at trial that sufficient grounds exist upon which the election of the 1st Respondent must be nullified. The Petitioner further states that such 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.

28. As to the contents of paragraph 30 of the 1st Respondent's Answer, the Petitioner denies the same as incorrect and misleading. The Petitioner shall aver and adduce sufficient evidence at trial to warrant the nullification of the election.

29. As to the contents of paragraph 31 of the 1st Respondent's Answer, the Petitioner denies the same as incorrect. The Petitioner shall aver at trial that the 1st Respondent did, in fact, engage in contraventions of the Electoral Process Act, and witnesses shall be called to testify to that effect. The Petitioner shall further contend that the 1st Respondent's conduct amounted to electoral misconduct, including acts of violence, intimidation, bribery, and disregard of lawful procedures, all of which warrant the nullification of the election.

30. As to the contents of paragraph 32 of the 1st Respondent's Answer, the Petitioner denies the same as incorrect. The Petitioner shall, at trial, repeat the contents of all relevant paragraphs of the Petition and shall further aver that the 1st Respondent engaged in electoral misconduct, including acts of violence, intimidation, bribery, and disregard of lawful procedures, all of which warrant the nullification of the election.



PETITIONER

Dated at Lusaka this _____ day of _____ 2026

Per: _____

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Advocates for the 1st Respondent

The Electoral Commission of Zambia
Election House
LUSAKA.

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AND

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

SKELETON ARGUMENTS IN SUPPORT OF THE REPLY TO THE 1ST RESPONDENT'S ANSWER, LIST OF AUTHORITIES AND THEIR COPIES

LIST OF AUTHORITIES

CASE LAW

1. Anderson Kambela Mazoka & Others v. Levy Patrick Mwanawasa & Others (2005) ZR 138 (SC)
2. Lewanika and Others v. Chiluba (1998) ZR 1 (SC)

STATUTORY PROVISIONS

3. Sections 81(1), 97 of the Electoral Process Act No. 35 of 2016

MAY IT PLEASE THIS HONOURABLE COURT,

1. **MY LADY/MY LORD,** these are the skeleton arguments filed in support of the Petition; and the Reply. We do so because in the skeleton arguments that were filed in support of the Petition, we erroneously included cases that were not argued in the body of the skeleton arguments. That in the circumstances, these skeleton arguments and list of authorities seek to correct that position while making arguments in support of the Reply herein. document consisted of typographical errors. These arguments have joined the Petition in accordance with the law. Petition challenges the election of the 1st Respondent as Member of Parliament for the Wusakile Constituency situate in the Kitwe District of the Copperbelt Province of the Republic of Zambia following the election held on 13th of August 2026.

2. The Petition is grounded on widespread electoral malpractices, violence, intimidation, and gross non-compliance with the Electoral Process Act No. 35 of 2016, and the Electoral Code of Conduct, which irregularities were perpetuated by the 1st Respondent, his agents, and supporters, preventing the majority of voters from electing a candidate of their choice.

3. It is submitted that the 1st Respondent and his agents engaged in extensive corrupt and illegal practices in breach of the law. The Petitioner has pleaded that the 1st Respondent distributed money wrapped in pens, donated building materials, and purchased voters' cards to disenfranchise non-sympathizers. **Section 81(1)** of the Electoral Process Act states as follows:

> ***(1) A person shall not, either directly or indirectly, by oneself or with any other person corruptly***
>
> ***(a) give, lend, procure, offer, promise or agree to give, lend, procure or offer, any money to a voter or to any other person on behalf of a voter or for the benefit of a voter in order to induce that voter to vote or refrain from voting or corruptly do any such act as aforesaid on account of such voter having voted or refrained from voting at any election;***
>
> ***(b) give, lend or procure, offer, promise or agree to give, lend, procure, offer or promise, any money to a voter or for the benefit of a voter or to any other person or on behalf of that person on behalf of any voter or to or for any other person for acting or joining in any procession or demonstration before, during or after any election***
> ***(c) make any gift, loan, offer, promise, procurement or agreement to or for the benefit of any person in order to induce the person to procure or to endeavour to procure the return of any candidate at any election or the vote of any voter at any election;***

(d) upon or in consequence of any gift, loan, offer, promise, procurement or agreement, procure or engage, promise or endeavour to procure, the return of any candidate at any election or the vote of any voter at any election;

(e) advance or pay or cause to be advanced or paid any money to or for the use of any other person with the intent that such money or any part thereof shall be expended in bribery at any election, or knowingly pay or cause to be paid any money to any person in discharge or repayment of any money wholly or partially expended in bribery at any election;

(f) before or during any election, receive or contract for any money or loan for oneself or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any election;

(g) after any election, receive any money on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting at any election; or

(h) convey or transfer or be concerned with the conveyance or transfer of any property, or pay or be concerned with the payment of any money, to any person for the purpose of enabling that person to

be registered as a voter, thereby to influence that person's vote at any future election, or pay to or be concerned with the payment of any money on account of any voter for the purpose of inducing that person to vote or refrain from voting.

(2) A person who contravenes any provision of subsection (1) commits an offence.

4. Further **Section 97(2)(a) of the Electoral Process ACT** expressly states that an election of a candidate shall be void if it is proved that any corrupt practice or illegal practice was committed with the knowledge and consent or approval of the candidate or their election agent.

5. The Supreme Court of Zambia in the landmark case of ***Lewanika and Others v. Chiluba (1998) ZR 1*** established that for an election to be nullified based on malpractices, it must be shown that the winning candidate or their agents were directly involved, or that the malpractices were so widespread as to affect the general outcome. The facts pleaded including the 1st Respondent's direct distribution of bribes and movement with armed individual squarely satisfy the requirement of direct knowledge and participation.

6. The Petitioner has adduced that the 1st Respondent's supporters remained within the prohibited 100-meter radius, campaigned openly on polling day, and barged into polling stations in Wusakile Constituency unaccredited during both voting and counting. This is in direct violation of the law.

7. Additionally, the 2nd Respondent's presiding officers and agents failed to maintain the integrity of the polling stations, tolerating the flashing of NRPUP symbols and failing to adequately protect the Petitioner's polling agents from being forced out. The failure of the 2nd Respondent to enforce the law facilitated an environment where the electoral process was hijacked.

8. The ultimate test in Zambian electoral jurisprudence is whether the established anomalies affected the outcome of the election. As enunciated in ***Anderson Kambela Mazoka & Others v. Levy Patrick Mwanawasa & Others (2005) ZR 138***, an election will not be nullified for mere irregularities unless those irregularities prevented the majority of voters from electing the candidate of their choice.

9. We submit that the widespread violence, intimidation, and bribery orchestrated by the 1st Respondent created severe voter apathy and disenfranchisement. In the border polling stations alone, registered voters, only voted due to fear instilled by armed elements. The declared margin of victory of the 1st Respondent cannot be viewed in isolation. When armed individuals patrol polling stations and agents are violently expelled during vote counting, the integrity of the tabulation itself is fatally compromised. The result, therefore, cannot be said to reflect the true, un coerced democratic will of the people of Isoka Constituency.

10. **My Lady/Lord,** the Petitioner has demonstrated that the Parliamentary Election for Wusakile Constituency was characterized by violence, bribery, and grave statutory breaches that were heavily concentrated and orchestrated by the 1st Respondent.

11. We pray that this Honourable Court finds merit in this Petition, declares the election of Kalobo Pavyuma null and void *ab initio*, and condemns the Respondents to costs.

WE OBLIGE AND HUMBLY SUBMIT.

Dated at Lusaka this _____ day of _____ 2026

Per: _____

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Advocates for the 1st Respondent

The Electoral Commission of Zambia
Election House
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AFFIDAVIT IN REPLY TO THE 1ST RESPONDENT'S AFFIDAVIT IN OPPOSITION

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 have read and carefully read the affidavit in opposition accompanying the answer to the Petition herein.

4. That the contents of paragraphs 1, 2 and 3 of the 1st Respondent's Affidavit in opposition are admitted.

5. That the contents of paragraphs 4, 5, 6, and 7 are within the peculiar knowledge of the 1st Respondent.

6. That contrary to the contents of paragraph 8 the 1st Respondent was one of those that allowed, tolerated and participated in the illegalities pleaded in the Petition, one of the matter that ended up at the Police.

7. That the contents of paragraph 9 of the Affidavit in opposition are incorrect, in that the 1st Respondent, together with his agents and cadres, deliberately disregarded and disobeyed the timetable issued by the 2nd Respondent, thereby causing animosity during the campaigns and violence against the Petitioner.

8. That the incident referred to in paragraph 7 of this Affidavit was reported to the Police, by a Mr. Shadreck Mutale arising from which three persons, namely **Mr. Charles Silomba, Mr. Charles Kabwita,** and **Mr. Yaya Shawa,** who were in the company of 1st Respondent at the time of the incident, were arrested and charged with the offence of conduct likely to cause a breach of the peace.

9. That the trio admitted to the offence as charged and paid the prescribed fines. There is now produced and shown to me marked **"KC/1(a, b and c"** the same being true copies of the

receipts evidencing payment of the admissions of guilt charge by the said affiliates and agents of the 1st Respondent as proof thereof.

10. That following the report and subsequent arrests, the Police issued a Report evidencing the said violence. There is now produced and shown to me, marked **"KC/2,"** the same being a true copy of the Police Report as proof thereof.

11. That the contents of paragraph 10 of the Affidavit in Opposition are denied, insofar as they allege that the 1st Respondent was validly elected as Member of Parliament, and I shall rely on the contents of the Petition.

12. Contrary to the contents of paragraph 13, of the 1st Respondent's the Affidavit in Opposition, the 1st Respondent and his Agents were violent during the campaign period and on the election day.

13. That, contrary to the contents of paragraph 18, the same is denied, and the timetable marked "PK/1" is produced as proof thereof

14. That, contrary to the contents of paragraph 19, the same is denied as being untrue, and the Petitioner shall at trial prove the allegations contained in the Petition

15. That contrary to the contents of paragraph 20 of the said affidavit, I will demonstrate at trial that the 1st Respondent committed these breaches.

16. That, contrary to the contents of paragraphs 21, 22, 23, 24, 25, 26, 27, and 28, the same are incorrect and denied. I shall, at trial, repeat the relevant contents of the Petition and demonstrate, among other matters, that the 1st Respondent was involved in all these breaches. In respect of the issue of self-declaration, there exists a video to that effect. There is now produced and shown to me, marked **"KC/3,"** the said video as proof thereof.

17. That contrary to the contents of paragraph 30, 31, 32, 33, 34, and 35 I shall state and show at trial that the 1st Respondent committed these breaches and a video except in respect of self-declaration is there to show as adduced in **"KC/3"** above.

18. That, with regard to paragraph 36, I through my agents attempted to serve a demand upon the 2nd Respondent for a recount but the same was denied and was only able to serve through my lawyers. There is now produced and shown to me marked **"KC/4a - b"** the same being true copies of the demand letter for a recount served on the 2nd respondent through the offices of the District Electoral officer and the Provincial Electoral officer.

19. That the letter from my Advocates followed a refusal by the 2nd Respondent to accept a complaint from its Poll staff who had detailed the issues observed. There is now produced and shown to me marked **"KC/ 5"** the same being a true copy of the letter by Ms. Rebecca Nchima, a Poll staff as proof thereof.

20. That contrary to the contents of paragraphs 37 were the case because of illegalities perpetuated by the 1st Defendant and were not stopped by the 2nd defendant. There is now produced and shown to me marked **"KC/ 6"** the same being a true copy of the unsigned Declaration of the Results of the Poll Form for Member of Parliament because my Agents chased and not given an opportunity to sign as proof thereof.

21. That contrary to the contents of paragraphs 38, I shall repeat the said contents of paragraphs 34 of my Petition and the same shall be proved at trial.

22. That contrary to the contents of paragraphs 40, 41 and 42, the 1st Respondent committed these breaches, thereby entitling me to the reliefs being sought.

23. 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 _____)
day of_____**2026)**

_____
Deponent

BEFORE ME: _____
COMMISSIONER FOR OATHS

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA