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

2026/HP/EP/025

IN THE MATTER OF:	ARTICLES 1 (2), (3), 73 AND 45 (2)(a) (b) OF THE CONSTITUTION OF ZAMBIA, CHAPTER 1 OF THE LAWS OF ZAMBIA
AND	
IN THE MATTER OF:	SECTION 97(2) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016.
IN THE MATTER OF:	SECTION 70,80,87,94,96,97(1), 2(b), 98 (c), 99(a)(b), 100 (2)(a) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016.
IN THE MATTER OF:	RULE 9 OF THE HIGH COURT (ELECTION PETITION) RULES, 2026
AND	
IN THE MATTER OF:	MALAMBO WEST CONSTITUENCY ELECTIONS HELD ON 13TH AUGUST 2026

BETWEEN:

PETER SIMON PHIRI — PETITIONER

AND

PATRICK MWALE — 1ST RESPONDENT

THE ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

REPUBLIC OF ZAMBIA HIGH COURT OF ZAMBIA 11 SEP 2026 PRINCIPAL REGISTRY P.O. BOX 50067, LUSAKA.

AFFIDAVIT IN SUPPORT OF NOTICE OF MOTION TO RAISE PRELIMINARY ISSUE

I, KELVIN SIANGA, a Zambian National of 3rd Floor Godfrey House Longolongo Road, of the City and Province of Lusaka in the Republic of Zambia, do hereby make **OATH** and **SAY** as follows:

1. That my full name, nationality, and physical address are as stated above.

2. That I am an Advocate of the Superior Courts for Zambia, seized with the conduct of this matter on behalf of the 1ST Respondent, by virtue whereof I have the capacity to swear to this my Affidavit from facts within my personal knowledge and belief.
3. That the Petitioner herein commenced this action against the Respondents herein on the 28th day of August 2026 by way of an Election Petition, seeking various reliefs.
4. That I am of the considered view, and verily believe the same to be true, that this Honourable Court is not clothed with the necessary jurisdiction to grant reliefs for a recount, breach of statutory duty, and damages in an Election dispute.
5. That, on the foregoing premises, I am of the considered view, and verily believe the same to be true, that this Honourable Court has no jurisdiction to hear and determine the Petitioner's Election Petition before this Honourable Court.
6. That, on the foregoing premises, I verily believe that this Honourable Court ought to dismiss the Petition for want of jurisdiction and on account of the irregularity therein.
7. That I depose to the foregoing facts, verily believing the same to be true and correct.

SWORN by the said)
KELVIN SIANGA)
at Lusaka this 11th)
day of Sept 2026)

DEPONENT

JOSEPH NJOBVU
LLB, AHCZ, ASCZ
LEGAL PRACTITIONER
COMMISSIONER FOR OATHS

BEFORE ME:

COMMISSIONER FOR OATHS