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

2026/HP/EP/025

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
04 SEP 2026
PRINCIPAL REGISTRY 7

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

1ST RESPONDENT'S AFFIDAVIT IN OPPOSITION TO PETITIONER'S PETITION

I, **PATRICK MWALE**, a Zambian national of Maili Village, Chief Kakumbi, Mfuwe, Mambwe District, in the Republic of Zambia, **MAKE OATH** AND **SAY** as follows:

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

2. That I am the 1st Respondent herein and was a candidate in the Parliamentary election for Malambo West Constituency held during the General Election on 13th August 2026, and by virtue thereof, I am competent to swear this Affidavit.
3. That I have read the Election Petition filed herein by the Petitioner, together with the Affidavit in Verification thereof and the Skeleton Arguments filed in support of the Petition.
4. That I have caused to be filed my Answer to the Petition and confirm the contents thereof insofar as the same relate to matters within my personal knowledge.
5. That I contested the Parliamentary election for Malambo West Constituency during the General Election held on 13th August 2026, and the Petitioner, PETER SIMON PHIRI, also contested the said election.
6. That following the counting of the votes, the Petitioner obtained 4,967 votes, whilst I obtained 6,574 votes. That there is now produced and shown to me, marked **"PM1"**, a copy of the official election results for the Parliamentary candidates.
7. That following the said election, I was declared the duly elected Member of Parliament for Malambo West Constituency.
8. That I deny that my election and declaration as the duly elected Member of Parliament for Malambo West Constituency were procured through corrupt practices, illegal practices, bribery, intimidation, vote buying or any other electoral misconduct on my part.
9. That I further deny instructing, authorising, directing, encouraging, consenting to or approving any person to engage in any corrupt or illegal practice for the purpose of securing my election.
10. That I deny that any person committed any corrupt or illegal practice with my knowledge, consent or approval for the purpose of promoting my candidature or procuring my election.
11. That I have noted the allegations contained in paragraphs 6(i) and 6(ii) of the Petition to the effect that my agents and/or supporters allegedly intimidated the Petitioner's agents and caused fear among the electorate.

12. That I have no knowledge of the alleged acts of intimidation referred to above and deny that the same were committed at my direction, instruction, authorisation or with my knowledge, consent or approval.
13. That the Petitioner is put to strict proof of the alleged intimidation and the alleged acts said to have caused fear among the electorate, including the identity of the persons allegedly responsible and their alleged connection to me.
14. That I have also noted the allegations contained in paragraphs 6(iii) and 6(iv) of the Petition and deny that I instructed, authorised, directed or consented to any of my agents damaging the Petitioner's motor vehicle or chasing the Petitioner's agents from any polling station.
15. That I was not aware of any such alleged incident and did not direct, authorise, approve or consent to any person damaging the Petitioner's motor vehicle or interfering with the Petitioner's agents.
16. That I accordingly deny any allegation of rigging or electoral misconduct attributed to me in connection with the said allegations and put the Petitioner to strict proof thereof.
17. That I have also noted the allegation concerning the alleged payment of ZMW50.00 and deny that any such payment was made by any of my agents, by, for or on my behalf, at my direction or with my knowledge, consent or approval.
18. That I have no knowledge of the alleged distribution of money and deny that I, or any person acting under my authority or with my approval, distributed money to voters for the purpose of inducing them to vote for me.
19. That the Petitioner is put to strict proof of the alleged distribution of money, including the persons involved, the amounts allegedly paid, the alleged recipients, the circumstances of the payments and the alleged purpose or inducement to vote for me.
20. That I deny that I intimidated or caused fear among the electorate at any polling station or elsewhere for any purpose whatsoever.
21. That I accordingly deny that I engaged in, authorised or sanctioned any corrupt practice, illegal practice, bribery, intimidation, vote buying, unlawful campaigning or any other electoral misconduct alleged in the Petition.

22. That I verily believe that my election as Member of Parliament for Malambo West Constituency was conducted in accordance with the applicable electoral laws and that I was duly and lawfully declared the winner of the election.
23. That save as expressly admitted herein, I deny each and every allegation contained in the Petition as though the same were specifically set out herein and traversed seriatim.

THE RELIEFS SOUGHT AGAINST THE 1ST RESPONDENT

24. That I am aware that the Petitioner has, inter alia, prayed for an order for a recount of all votes cast in Malambo West Constituency.
25. That I oppose the said prayer for a recount and state that the Petitioner is required to establish the requisite factual and legal basis upon which such an order may properly be granted.
26. That I further oppose the Petitioner's prayer for the nullification of my election as Member of Parliament for Malambo West Constituency. That believe that the allegations contained in the Petition, which I deny, do not disclose any lawful or sufficient basis for the nullification of my election.
27. That I further oppose the Petitioner's prayer for an interim order directing a recount of the votes cast in Malambo West Constituency. That I believe that the Petitioner has not established any sufficient factual or legal basis warranting the grant of an interim order for a recount.
28. That I further oppose the Petitioner's prayer for costs and damages and state that the Petitioner is not entitled to any of the reliefs sought against me.
29. That I deny that the allegations pleaded in the Petition, whether considered individually or collectively, disclose any grounds upon which the Petitioner is entitled to the reliefs sought against me.
30. That I verily believe that the Petition against me is without merit and ought to be dismissed against me with costs and uphold my election and declaration as the duly elected Member of Parliament for Malambo West Constituency.

31. That what is stated herein is true and correct to the best of my knowledge, information and belief.

SWORN by the said
PATRICK MWALE)
at LUSAKA this 4th day of)
September 2026)

DEPONENT

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

BEFORE ME:

COMMISSIONER FOR OATHS

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AND

PATRICK MWALE — 1ST RESPONDENT

THE ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

CERTIFICATE OF EXHIBITS

These are the exhibits referred to in the Affidavit of **PATRICK MWALE** marked **"PM1"**.

Dated the 4th day of September 2026.

BEFORE ME: _____
COMMISSIONER FOR OATHS

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