**IN THE HIGH COURT FOR ZAMBIA** 2026/HP/EP/025

**AT PRINCIPAL REGISTRY**

**HOLDEN AT LUSAKA**

**(Civil Jurisdiction)**

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
2 8 AUG 2026
PRINCIPAL REGISTRY 3
P.O. BOX 50067, LUSAKA.

**IN THE MATTER OF:** **ARTICLE 1(2),(3), 73 (1)(a) AND 45(2)(a)(b) OF THE CONSTITUTION OF ZAMBIA, CHAPTER 1 THE LAWS OF ZAMBIA**

**AND**

**IN THE MATTER OF:** **SECTIONS 97 (2) OF THE ELECTORAL PROCESS ACT, NO. 35 OF 2016.**

**IN THE MATTER OF:** **SECTIONS 70, 81, 87, 94, 96, 97(1),2(b) 98(c), 99(a)(b), 100 (2) (a), OF THE ELECTORAL PROCESS ACT NO. 36 OF 2016.**

**IN THE MATTER OF:** **RULE 9 OF THE HIGH COURT (ELECTION PETITION) RULES, 2026**

**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**

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**ELECTION PETITION**

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**THE HUMBLE PETITION OF YOUR** Petitioner, **PETER SIMON PHIRI** , A ZAMBIAN OF LUKA VILLAGE, CHIEF KAKUMBI MAMBWE, of the Mambwe District of the Eastern Province of the Republic of Zambia, MWIINGA RESIDENTIAL AREA, Zambia SHOWETH THAT:

1. The particulars of the Petitioner are as stated above.

2. The 1st Respondent is the person, who was declared winner of Malambo West constituency in the elections held on the 13th August, 2026.
3. The declaration was made on the 15th August, 2026 and the 1st Respondent having gotten 6,574 votes while the Petitioner got 4,967 votes.
4. The 2nd Respondent is an election management body constituted by Article 229 of the Constitution of Zambia, and is mandated to implement Zambia's Electoral Process, conduct free and fair elections in an accountable manner as provided in Article 45(1)(2) and 45 (2) (c) of the Constitution, among other functions.

**5. FACTS IN SUPPORT OF PETITION**

6. That the conduct of the Respondent and his Agents and his Known Agents before and during the voting day rendered the elections not free and fair on the following grounds;
   i. At Ayoba: There was intimidation against the Polling Agents of the Petitioner by Agents of the Respondent who are well known by the people in that constituency. This conduct caused a lot of fear in the people especially the elderly person.
   ii. The Agents for the Respondent welded the grill gates the day before the elections and camped at the polling station thereby causing fear in the electorates,
   iii. The vehicle for the Petitioner was badly damaged by the Agents of the Respondent and the said vehicle is parked at the Police. The Agents of the Respondent are seen from time to time with him during campaigns.
   iv. Most of my Polling Agents were chased from the polling station leaving the polling station with no Agents.
   v. The absence of the Polling Agents for the Petitioner exposed the polling station to rigging as there were no independent witnesses to the voting process.
   vi. The Respondent and his Agents paid voters K50.00.
   vii. The Agents for the Petitioner were showing the voters who to vote for at the polling station.

**ALLEGED CONTRAVENTION OF THE LAW**

1. By virtue of what is stated from paragraph 6(i-vi) by the Petitioner:
   (a) That there was non-compliance of the law by the 1st Respondent and/or his Agents to intimidate, beat and threaten Polling Agents for the Petitioner breached sections 67(3),83, 89 of the Electoral Process Act no 35.0f 2016
   (b) Paying of bribes contravened section 97 of the Electoral Process Act no 35.0f 2016 And section 35 of the Anti-corruption Act no.3 of 2012

   (C) Breach of the right to observe elections contravened section 59 of the Electoral Process Act no.35 of 2016.

   (d) Directing voters in lines on who to vote for was in contravention of the Poll Day Regulations, section 87(e) of the Electoral Process Act no 35.0f 2016 and Article 91 of the Constitution of Zambia
   (e) Failure to provide Security by the 2nd Respondent breached section 4 of Electoral Process Act no 35.0f 2016

**RELIEFS SOUGHT BY THE PETITIONERS**

1. An Order for Recount of all vote cast for Malambo West Contituency
2. A declaration that the elections for Malambo West constituency of the Mambwe District were null and void; OR
3. In the alternative an interim order for Recount,
4. Damages for breach of duty by the 2nd Respondent.
5. Costs
6. Any other relief the court may deem fit

Dated at Lusaka this.....day of .....2026

**SIGNED BY** _____

**PETER SIMON PHIRI**

Filed by Counsel of: _____

Messrs. Chiwala Boniface, Legal Practitioners

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**LUSAKA**
**ADVOCATES FOR THE PETITIONER**

TO: THE 1ST RESPONDNET
Patrick Mwale
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Mfuwe
Cell: 0968807923
**ZAMBIA**

**TO: THE 2ND RESPONDENT**
The electoral Commission of Zambia
Elections House, Haile Selassie Avenue, Longacres,
P.O Box 50274
**Lusaka, Zambia**