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



2026/HP/EP/013

IN THE MATTER OF: ARTICLE 73(1) OF THE CONSTITUTION OF ZAMBIA (AMENDMENT) ACT NO. 2 OF 2016

AND

IN THE MATTER OF: SECTIONS 97(2) OF THE ELECTORAL PROCESS ACT, NO. 3 OF 2016

AND

IN THE MATTER OF: SECTIONS 98 (A), 99 (A), 100 (2) (A), 106 (1) (B), 108 (4) OF THE ELECTORAL PROCESS ACT NO, 35 OF 2016

AND

IN THE MATTER OF: THE PARLIAMENTARY ELECTION FOR KANCHIBIYA CONSTITUENCY OF THE DISTRICT OF KANCHIBIYA HELD ON THE 13th DAY OF AUGUST, 2026.

BETWEEN:

SUNDAY C. CHANDA **PETITIONER**

AND

SAMPA MUSWEMA **1ST RESPONDENT**

ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

PARLIAMENTARY ELECTION PETITION

Pursuant to Article 73(1) of the Constitution of Zambia (Amendment) Act no. 2 of 2016

THE HUMBLE PETITION of **SUNDAY CHANDA** of Plot No. KANCH/LN_79400/1277, Chalabesa, Kanchibiya, in the Kanchibiya District of the Muchinga Province of the Republic of Zambia **SHOWETH** that:

(1) The Petitioner is a member of a Political Party, the United Party for National Development (UPND) and was sponsored by the said Party as a Parliamentary

candidate and had the right to be elected as Member of Parliament for Kanchibiya Constituency to which the election petition relates in the Kanchibiya District.

(2) The 1st Respondent is a sitting member of parliament for the Kanchibiya Constituency in Kanchibiya District of the Muchinga Province of the Republic of Zambia who was sponsored under the Ticket of the National Restoration Party for Unity and Prosperity (NRPUP).

(3) The 2nd Respondent is an independent and autonomous statutory body established in 1996 and has continued existence pursuant to Article. 229 of the Constitution of Zambia (Amendment) Act no. 2 of 2016 and is tasked to administer elections in accordance with the Electoral Process Act No. 35 of 2016 and all enabling laws.

(4) On the 13th day of August, 2026, the nation of Zambia went to the Polls administered by the 2nd Respondent. The Petitioner (United Party for National Development (UPND) candidate) and the 1st Respondent were the leading candidates on the Political parties aforesaid.

(5) At the conclusion of the said Polls, the 1st Respondent emerged winner and was declared as duly elected Member of Parliament by the Returning Officer for the Kanchibiya Constituency on Saturday, the 15th day of August, 2026.

(6) The Petitioner now seeks recourse against the Respondents and prays that the said parliamentary elections mentioned in paragraph 4 herein be declared null and void on the following grounds:

Grounds upon which redress is sought

(1) That the Parliamentary Elections for Kanchibiya Constituency were marred with shockingly wide spread illegality practices, violence against persons and property, intimidation, corrupt practices, procedural breaches and other misconduct in connection with the Parliamentary Elections for the Kanchibiya Constituency by the 1st Respondent and his election agents and/or with his knowledge.

(2) That there was wide spread non- compliance with the provisions of the Electoral Process Act no. 35 of 2016 and such non-compliance has affected the outcome of the Elections;

Facts relating to misconduct

1. Before, on the day of voting, and after the polling day, there was violence targeted at the electorates, members of the United Party for National Development (UPND) and the polling agents in over 30 out of the 61 Polling Stations that make up Kanchibiya Constituency and the said violence was propagated by the 1st Respondent and/or their agents and supporters with the full knowledge of the said 1st Respondent and/or his agents.

2. The election was characterized by acts of violence, assault, threats and intimidation perpetrated against members, supporters, monitors and/or persons associated with the members of the United Party for National Development (UPND) and the Petitioner's campaign.

3. In various parts of Kanchibiya Constituency, the 1st Respondent and/or his agents subjected the Petitioner's supporters and representatives to physical attacks, threats and intimidation and some of the affected persons who were physically assaulted and sustained injuries sought medical attention.

4. The violence and intimidation formed part of an environment which impaired the ability of the Petitioner and his supporters, polling agents and representatives to freely participate in the electoral process.

5. The acts of violence and intimidation created fear among voters, polling agents and supporters and thereby interfered with the free exercise of the right to vote and the ability of the Petitioner and his agents to effectively monitor and verify the electoral process and it constituted serious violations of the principles governing free and fair elections and materially affected the conduct and integrity of the election.

6. On the night of 12 August 2026, being the eve of polling day, the residence of Mr. John Siulapwa at Mpepo who was at the material time a Head teacher at Mpepo Primary School and a known acquaintance of the Petitioner and targeted because he was aligned to the ruling party was attacked by persons identified as members and/or supporters of the 1st Respondent's political party and himself as the candidate in the election and his agents which was politically motivated and was intended, or was reasonably capable of, intimidating, harassing and instilling fear in Mr. Siulapwa and other persons associated with the Petitioner and the UPND immediately

before polling day and after that he proceeded to mpepo market where he threatened violence against marketers who are also supporters of the Petitioner and members of the UPND. The incident was reported to the Zambia Police Service at Chalabesa Police Station and was recorded under Occurrence Book No. 281 (OB 281).

7. On 11 August 2026, being two days before polling day, members and supporters of the Petitioner's Political Party UPND, including Bana Rasida Tembo, Bana Violet Mwewa and others, were attacked in Chambeshi Ward by persons identified as known agents of the 1st Respondent and members and supporters of the 1st Respondent's political party.

8. On the evening of 12 August 2026, after the closure of the campaign period and on the eve of polling, the 1st Respondent, together with persons accompanying and supporting him, went to the market in Chambeshi Ward and verbally attacked, intimidated and threatened marketeers who were known members and supporters of the Petitioner.

9. Among the marketeers subjected to such conduct were Bana Rasida Tembo and Bana Violet Mwewa, together with other UPND members and supporters.

10. The Petitioner shall contend that the alleged conduct was politically motivated and was directed at persons perceived to support the Petitioner and the UPND, and was calculated to instil fear and intimidate them immediately before polling and di in fact instil fear and intimidate them and affected the election.

11. The Petitioner shall further contend that the incidents of 11 and 12 August 2026 formed part of a wider pattern of political violence, intimidation, threats and harassment in Kanchibiya Constituency during the period immediately preceding polling day.

12. On 13 August 2026, during polling, the wife of one of the Petitioner's polling agents at Mulima Polling Station was beaten because her husband was serving as the Petitioner's polling agent.

13. During the period preceding, during and following the 2026 General Election, there was a widespread pattern of threats, intimidation and

harassment in different parts of Kanchibiya Constituency directed at persons perceived to originate from Southern Province and/or who support the UPND and the Petitioner which included statements that persons from Southern Province who support the UPND and the Petitioner would be driven out of Kanchibiya if the 1st Respondent's NRPUP formed Government, thereby creating fear and insecurity among such persons and interfering with their ability to freely participate in the electoral process.

14. The threats were not confined to one locality or one individual but were reported in different parts of Kanchibiya Constituency, and formed part of a wider pattern of intimidation directed at persons perceived to be originating from Southern Province as UPND supporters and that of the Petitioner and one such victim was Mr Danford Mbongela, a businessman resident at Kasongo in Mumbubu Ward and a UPND official, who on or about 4th July 2026, at a political meeting held at Kasongo by NRPUP officials, was specifically threatened with eviction from the area on account of his being from Southern Province and supporting the UPND.

15. The threats against Mr Mbongela continued during and after the polling period, with the last such threat being made on or about 24th August 2026.

16. On Tuesday, 18th August 2026, following the declaration of the Presidential election results, Mr Mbongela's house was attacked by persons alleged to be members and/or supporters of the NRPUP, during which attack his radio and motorbike were damaged, and the incident was subsequently reported to the Zambia Police on 20th August 2026 but the threats against him persisted during and after the polling period, with the last such threat being made on or about 24th August 2026.

17. At a majority number of polling stations within Kanchibiya Constituency, the Electoral Commission of Zambia Presiding Officers failed/denied/declined and/or refused to provide the Petitioner's duly appointed polling agents with copies of the completed GEN 20 results forms after the counting of votes.

18. The failure to provide the Petitioner's agents with copies of the relevant GEN 20 results forms deprived the Petitioner of an important means of independently verifying the results subsequently transmitted, collated and declared by the Electoral Commission of Zambia.

19. The said GEN 20 forms were only signed by the 1st Respondent's agents while the said 1st Respondent's agents threatened the Petitioner's agents to switch off their phones and leave the totaling center at Mikuba in full view of helpless electoral officers and the Zambia Police.

20. It further made it impossible for the Petitioner to reconcile the results announced at individual polling stations with the figures subsequently included in the constituency tally and also created an unacceptable evidential gap and increased the possibility that discrepancies, alterations, additions or other irregularities occurring after the counting of votes could not readily be detected by the Petitioner and his agents.

21. The failure to provide the prescribed copies of the results forms constituted a serious breach of the procedures intended to guarantee transparency, accountability and verifiability of the counting and results-management process.

22. The 1st Respondent and/or his agents on polling day engaged in the distribution of writing pens to voters who were already in queues waiting to cast their votes at majority polling stations within Kanchibiya Constituency while voters were already assembled in queues awaiting their opportunity to vote and the pens were accompanied by the payment or attachment of K20 in cash to individual voters.

23. The provision of a pen accompanied by K20 was calculated to influence, induce or reward voters in connection with the election and to cause them to vote for the opposing candidate.

24. The distribution of the pens together with cash was not a mere provision of stationery or an innocent campaign activity, but constituted an inducement to voters immediately before they exercised their constitutional right to vote and did in fact affect the result of the election.

25. The National Restoration Party for Unity and Prosperity (NRPUP) members at various Polling Stations did engage in corrupt activities and one such incidence was at Mbati Polling Station where the 1st Respondent, and his Councillor and Mayor gave away Sugar, yeast, goat meat, salt, soap and other products to their colleagues and brewed beer and munkoyo and promised people to receive after voting pe lampi others received before voting and the people in the

company of the 1st Respondent included: Derrick Kabamba, Mwaba Chanda, Bwalya Chikulya and Pephias Mpala (the Councillor)

26. The National Restoration Party for Unity and Prosperity (NRPUP) members and their supporters were stationed outside the polling stations on the orders of their Presidential Candidate one Mr. Bryan Mundubile threatening violence against perceived United Party for National Development (UPND) supporters when the rules provides for the opposite contrary to the relevant regulations.

27. On the night of 12th August 2026 and on polling day, in and around Chinkobo Village and Chinkobo Polling Station in Mbati Ward, the 1st Respondent's agents and NRPUP officials went around the village distributing money to prospective voters in an attempt to induce them to vote for the 1st Respondent and did in fact induce them and amounts of K10, K20 and, in some instances, K50 cash were distributed to would-be voters by the said persons, accompanied by requests, instructions and/or encouragement that the recipients should vote for the 1st Respondent.

28. The Petitioner shall further contend that the distribution of money was undertaken in the immediate period preceding polling and continued on polling day, thereby directly targeting voters for the purpose of influencing their electoral choice.

29. At most Polling Stations, the Petitioner's agents were threatened and one such incident occurred on or about 17th August 2026, at Mikuba Secondary School, the Kanchibiya constituency totaling center, the 1st Respondent confronted the Petitioner's polling agent one Timothy and threatened him that he would be removed from the totaling center unless he switched off his telephone.

30. At several other Polling Stations such as Mulonga Polling Station which has 1,002 registered voters; and, Mbati Polling Station which has 944 registered voters election officials in the employ of the 2nd Respondent improperly interfered with the free exercise of the franchise by directing, inducing and/or coercing voters to vote for the 1st Respondent.

31. There was widespread violence across the whole constituency which put fear in the electorate especially those that intended to vote for the United Party for National Development (UPND) candidate.

32. On the eve of the polls, slightly after 18:00hrs, and after the campaign period had ended, the 1st Respondent's agent and NRPUP members began playing NRPUP campaign songs at/around Mulima Polling Station in Mbati Ward throughout the night and it continued on 13th August 2026, polling day and it was audible in the polling station while polling staff, including the relevant election officials, were present/aware.

33. During the period leading to and including the 13th August 2026 election, a deliberate campaign was undertaken by the 1st Respondent and/or his agents against the character, integrity of the Petitioner and one such incident was at a rally addressed by Chishimba Kambwili in support of the 1st Respondent where he alleged and publicly referred to the Petitioner that: "Sunday Ni Kabolala", meaning "Sunday is a thief," and at another rally at Kopa Primary School which was carried live on several Facebook pages, he referred to the petitioner as a "sellout", and "ifyana fyabene", in the context of his political affiliation.

34. The 1st Respondent and/or his agent's campaign increasingly adopted a regional and ethnic character, including portraying the Petitioner as "Ifyana fyabene (strange mushroom)" and a "sellout" because of his decision to join a political party perceived by his opponents as not originating from Northern Zambia.

Facts relating to non-compliance with the Electoral Process Act No. 35 of 2016

1. The 1st Respondent did not adhere to Section **87, 89 and 94** of the Electoral Process Act no. 35 of 2016 as demonstrated above and the 2nd Respondent did not adhere to section **92** of the same Act as demonstrated above.

2. The inexcusable laxity of the Respondents in adhering to laid down procedures of the Electoral Process Act has caused the Petitioner and general electorates suffer unfathomable prejudice that is beyond any exaggeration whatsoever

Nature of the Relief Sought

YOUR PETITIONER therefore humbly **PRAYS** for:

1. An order that the Parliamentary Elections for the Kanchibiya Constituency held on the 13th day of August, 2026 are null and void and an order that

the 2nd Respondent holds elections within 90 days from the day of the said elections;

2. Such other Orders as may seem just in the premises by this Honourable Court; and,

3. Costs and interest thereon

AND YOUR PETITIONER WILL EVER PRAY.

Dated the _____ day of _____2026.

_____

PETITIONER

This Petition was drawn by: _____

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IN THE HIGH COURT FOR ZAMBIA
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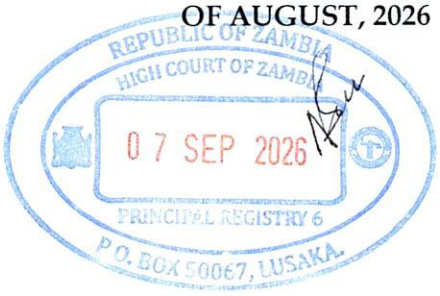
2026/HP/EP/013

IN THE MATTER OF: ARTICLE 73(1) OF THE CONSTITUTION OF THE REPUBLIC OF ZAMBIA (AMENDMENT) ACT NO. 2 OF 2016

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

IN THE MATTER OF: SECTIONS 98(A), 99(A), 100(2) (A), 106(1)(B), 108(4) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016

IN THE MATTER OF: THE PARLIAMENTARY ELECTION FOR KANCHIBIYA HELD ON THE 13TH DAY OF AUGUST, 2026



BETWEEN:

SUNDAY C. CHANDA — PETITIONER

AND

SAMPA MUSWEMA — 1ST RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

2ND RESPONDENT'S ANSWER

The 2nd Respondent responds as follows:

The 2nd Respondent makes no comment regarding the historical paragraphs in the Petition (paragraph 1-6), which offend the Rules of Court relating to numbering of Court document and denies all allegations therein insofar as the same relate to the 2nd the Respondent.

1. The contents of paragraphs 1 to 16 of the Petitioner's Petition (hereinafter referred to as **"the Petition"**) under the heading labelled ***"Facts relating to misconduct"*** are within the peculiar knowledge of the Petitioner who shall be put to strict proof. In any event, the 2nd Respondent shall aver that no complaint was ever received from the

Petitioner, his agents or anyone acting under his authority in the prescribed manner or at all, relating the allegations therein.

2. The contents of paragraphs 17 to 21 of the Petition are denied. The 2nd Respondent shall aver as follows:

(i) That the 2nd Respondent discharged all its duties and ensured that the elections were transparent and conducted stakeholder engagements where all participants were made aware and sensitized of their rights and obligations;

(ii) The 2nd Respondent shall aver that the GEN 20 Results Forms were provided and signed by other party agents who were not from the 1st Respondent's party.

(iii) The GEN 20 Results Forms were provided except where some polling agents left the polling station before the counting was complete, among other varying reasons.

(iv) In any case, the failure to sign a GEN 20 Results Form does not, in itself, prevent the results recorded on the said form from being processed and transmitted nor invalidate the results recorded.

(v) That, the Petitioner will be put to strict proof regarding any requests that were made by the 1st Respondent's agents to the Petitioner's agents to switch off their phones, in the presence of the electoral officers and the Zambia Police, which allegations were never brought to the 2nd Respondent's knowledge.

(vi) That in any case, the 2nd Respondent shall aver that monitors were present at each polling station to ensure that the voters exercised their right freely and fairly.

3. The contents of paragraph 22 to 29 of the Petition are within the peculiar knowledge of the Petitioner and the Petitioner shall be put to strict proof thereof. In any case, the 2nd Respondent shall aver that no complaint was ever received from the Petitioner, his agents or any person acting under his authority in the prescribed form or at all and denies the allegations therein.

4. The 2nd Respondent shall further aver that as one of the measures to monitor and curtail political activity on the day of elections and ensure that the elections were free and fair, the 2nd Respondent delineated the polling stations by 400 meters and disallowed any political activities within the vicinity.

5. The contents of paragraph 30 of the Petition are denied to the extent that the election officials improperly interfered with the free exercise of the franchise by directing, inducing and/or coercing voters to vote for the 1st Respondent. The Petitioner shall be put to strict proof thereof. In addition, the 2nd Respondent shall aver that all party agents and monitors were present at all times to ensure that the elections were conducted in accordance with the rules. Further, the 2nd Respondent shall aver that it undertook comprehensive trainings of its agents intended to safe guard against the alleged risks.

6. In any case, the 2nd Respondent shall aver that no complaint was received from the Petitioner or his Agents concerning any alleged improper interference with voters by election officials at Mulonga Polling Station, Mbati Polling Station or any other polling station within Kanchibiya Constituency.

7. The contents of paragraphs 31 to 34 of the Petition are within the peculiar knowledge of the Petitioner and the 2nd Respondent shall aver that no reports of the incidents alleged by the Petitioner were received in the prescribed form or at all.

8. The contents of paragraphs 1 and 2 of the Petition under the heading labelled "***Facts relating to non-compliance with the Electoral Process Act No.35 of 2016***" are denied and the 2nd Respondent shall aver that the elections were free and fair and that the Petitioner is not entitled to the reliefs being sought.

9. Save in so far as the same consists of admissions, the 2nd Respondent denies each and every allegation of fact set out in the Petition as though the same was set out and specifically traversed.

Dated the day of 2026

2ND RESPONDENT

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The Petitioner and his Advocates

To: Sampa Muswema
Kanchibiya
The 1st Respondent and his Advocates

IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
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(Constitutional Jurisdiction)

2026/HP/EP/013



IN THE MATTER OF: ARTICLE 73(1) THE CONSTITUTION OF ZAMBIA (AMENDMENT) ACT NO. 2 OF 2026, OF THE LAWS OF ZAMBIA

AND

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

AND

IN THE MATTER OF: SECTIONS 98 (A), 99(A), 100(2)(A), 106(1)(B), AND 108 (4) OF THE ELECTORAL PROCESS NO. 35 OF 2016 OF THE LAWS OF ZAMBIA

AND

IN THE MATTER OF: THE PARLIAMENTARY ELECTION FOR KANCHIBIYA CONSTITUENCY OF THE DISTRICT OF KANCHIBIYA HELD ON THE 13TH DAY OF AUGUST, 2026

BETWEEN

SUNDAY CHANDA — **PETITIONER**

AND

SAMPA MUSWEMA — **1ST RESPONDENT**

ELECTORAL COMMISSION OF ZAMBIA — **2ND RESPONDENT**

PETITIONER'S SKELETON ARGUMENTS IN SUPPORT OF THE PETITION

MAY IT PLEASE THIS HONOURABLE COURT,

1. These Skeleton Arguments are filed on behalf of the Petitioner in support of the Petition challenging the election and declaration of the 1st Respondent as Member of Parliament for Kanchibiya Constituency by the 2nd Respondent.

2. The Petitioner's case is founded principally upon widespread violence, intimidation, corrupt and illegal practices, interference with voters, interference with polling officials and electoral materials, exclusion of election agents, irregularities concerning GEN 20 forms, interference with the tallying process, and alleged declaration of the result before material polling-station results had been verified.

3. The law is clear, **section 97 (2) of the Electoral process Act chapter 35 of 2016** is couched in the following terms:

The election of a candidate as a Member of Parliament, mayor, council chairperson or councillor shall be void if, on the trial of an election petition, it is proved to the satisfaction of the High Court or a tribunal, as the case may be, that—

(a) A corrupt practice, illegal practice or other misconduct has been committed in connection with the election—
(i) by a candidate; or
(ii) with the knowledge and consent or approval of a candidate or of that candidate's election agent or polling agent; and the majority of voters in a constituency, district or ward were or may have been prevented from electing the candidate in that constituency, district or ward whom they preferred;
(b) subject to the provisions of subsection
(4), there has been non-compliance with the provisions of this Act relating to the conduct of elections, and it appears to the High Court or tribunal that the election was not conducted in accordance with the principles laid down in such provision and that such non-compliance affected the result of the election; or

4. The law stipulates grounds upon which an election to of a Member of Parliament may be annulled.

   It is also noted in the case of **Saul Zulu v Victoria Kalima (AC no. 141 of 2013-2013) ZMSC 24)**

   "Where the court held that allegations in an election petition are required to be proved to a fairly high degree of convincing clarity."

5. Following the elections conducted on the 13th August, 2026, in which the petitioner was a candidate, the Returning Officer for Kanchibiya declared the 1st Respondent duly elected on 16 August 2026 by a margin of 1,024 votes, as evidenced by exhibit **"SC 1"** copy of declaration of the results.

6. The Petitioner submits that the alleged irregularities must be considered both individually, where appropriate, and cumulatively, having regard to their nature, geographical spread, the stages of the electoral process at which they occurred, and their effect upon the free choice of the electorates and the integrity of the declared result.

7. The principal issues for determination are whether the election was conducted in accordance with the Constitution, the Electoral Process Act and applicable electoral regulations; whether widespread violence and intimidation occurred and prevented or may have prevented voters from freely exercising their franchise; whether the 1st Respondent and/or persons properly attributable to him engaged in corrupt or illegal practices; whether registered voters were prevented from voting; whether polling officials and electoral materials were interfered with; whether the Petitioner's agents were improperly excluded from verification and tallying; whether the declaration was made upon verified results; and whether the cumulative effect of the proved irregularities was sufficient to render the election void.

8. The principal statutory framework is section 97 of the Electoral Process Act No. 35 of 2016, together with the constitutional and regulatory provisions governing the conduct of elections, polling, counting, tallying, electoral agents and declaration of results.

9. The Petitioner's submissions should distinguish between allegations of corrupt practice, illegal practice or other misconduct and allegations based upon non-compliance with electoral law. Each allegation must be matched to the statutory provision said to have been breached and to the evidence relied upon.

   Court held in the case of **Nkandu Luo and Another v Doreen Sefuke Mwamba and Another Appeal No. 10 of 2016** as follows:

   > **Before an election can be nullified, two thresholds must be surmounted. The first being that the malpractice complained of must be proven to have been committed by the candidate or the candidate's election or polling agent or with the knowledge and consent or approval of the candidate and secondly, that the malpractice was so widespread that it swayed or may have swayed the majority of the electorate from electing their preferred candidate.**

10. The Petitioner will show from evidence herein the corrupt practices, illegal practice or other misconducts upon which the Court should consider the statutory ingredients, including the necessary connection to the candidate or relevant agent and the prescribed electoral consequences arising from such conduct.

11. The declaration of the 1st Respondent on 15th of August 2026, with a margin of 1,024 votes, establishes the results challenged and provides the factual benchmark against which the evidence concerning compromised polling stations, disenfranchised voters and other proved irregularities should be assessed.

12. The Petitioner does not contend that the mere existence of irregularities automatically invalidates the election of the 1st Respondent. Rather, the Court is invited to find in favour of the Petitioner the legal consequence of the irregularities proved individually or cumulatively, and that they satisfy the statutory threshold for avoiding the said election.

13. The Petitioner alleges that the election was characterised by widespread violence and intimidation, including attacks upon members and supporters of the United Party for National Development (UPND) the sponsoring party of the Petitioner, intimidation of voters, interference with campaigning and meetings and their campaign materials, violence on perceived sympathisers and/or supporters of the Petitioner on polling day.

14. The said activities individually and collectively are capable of not only undermining the integrity of the electoral process but also swaying the intended voters in a particular direction thereby affecting the outcome of the elections.

As held in the case of **Jonathan Kapaipi v Newton Samakai** (CC/A 48 of 2016) [2020] ZMCC 13 (29 May 2020)

> **It is not sufficient for a petitioner to only prove that a candidate committed an illegal or corrupt practice or engaged in other misconduct in relation to the election without proof that the illegal or corrupt practice or misconduct was widespread and therefore prevented or may have prevented the majority of the voters from electing a candidate of their choice.** (Our emphasis)

Furthermore, the court stated in **Sunday Chitungu Maluba v Rodgers Mwewa and Attorney General Appeal no. 4 of 2017** to the effect that **"the term "widespread" meant widely distributed or disseminated"**

15. If the evidence establishes that violence and intimidation were sufficiently widespread to prevent or deter voters from freely exercising their franchise, the

conduct goes to the integrity of the election and the statutory grounds for avoiding an election.

16. It is clear that majority Polling stations were affected by violence and intimidation perpetuated by the 1st Respondent and /or his agents under his instigation or authority. This caused most voters to either fear to vote for their intended candidate (the Petitioner) or not vote at all as they supporters of the National Restoration Party for national Unity and prosperity (NRPUP) the sponsoring party for the 1st Respondent had camped in all Polling stations following instructions from their party President.

17. The Court is invited to take judicial notice that violence and political intimidation is the major cause of voter apathy. It must be also noted that the said violence was targeted at individuals identified to belong to UPND, the Petitioner's Party, this is clear testimony of Violence perpetuated by the other party. Unlike in urban arrears, rural settlement creates a small community where members know who belong to which Political party. While it is a constitutional right for every member to belong to such Political Parties of their choice, hooliganism and violence exhibited in the said election of the Member of Parliament in Chinsali Constituency deprived electorates in the area their right and choice.

18. The acts of violence and intimidation was extended to the Polling staff and Petitioner's agents on the election day causing panic, fear and account for electoral mismanagement of the electoral process.

19. The Petitioner further alleges that the 1st Respondent and/or his agents distributed pens and money to voters on the queue with the intention of influencing their votes. According to the stipulated law above, any act prior but within the campaign period or on the actual voting day which is capable of influencing the decision of who to choose by a voter is deemed to be a malpractice. Especially if the same is done with the full knowledge and approval of the candidate in an election.

20. There is evidence of members of the NRPUP involved in vote buying during the campaign and the actual voting day. This conduct is within the prohibited conduct of electoral malpractice and this court should find in favour of the Petitioner.

21. The strongest evidential approach is to identify actual affected voters, their registration and polling station, the circumstances in which they were prevented or deterred from voting, the identity of the persons responsible and the connection to the 1st Respondent.

22. It is clear that the numbers allotted to the 1st Respondent by the 2nd Respondent could not be ascertained by all stakeholders due to violence and intimidation at the Totalling center. It is also clear that the conduct was deliberate to distort evidence so as to avoid vote recount.

23. The Court is invited to determine whether the alleged interference was isolated or constituted widespread disruption of the electoral process so as to favour the 1st Respondent

24. Furthermore, the Petitioner alleges that at most polling stations, the Petitioner's agents were ordered to sign GEN 20 forms while supporters of the 1st Respondent remained outside, before the results were tabulated and entered. This is a clear sign of political intimidation and wanton disregard of the law regulating the Electoral process.

25. Therefore, although the said Gen 20 were signed by the agents for the Petitioner, they did so due to threats and intimidation by the 1st Respondent and his agents and were not privy to the numbers indicated on the said Gen 20s because they were signed before the figures were entered.

26. It is further alleged that the Petitioner's agents were not allowed to inspect the figures, check the entries or retain copies of the GEN 20 forms, and that the Police failed to assist.

27. The Court should determine the exact legal procedure governing completion, inspection, signing, issuance and retention of the relevant results forms and compare that procedure with the evidence at each affected polling station.

28. Considering the number of Polling stations from which Gen 20 forms were not ascertained in terms of figures indicated by the agents of the 1st Respondent and the 2nd Respondent, it is only clear that all the majority Polling station results cannot be relied upon as a true reflection of the will of voters in those respective Polling stations and therefore capable of affecting the ultimate results of this election.

29. The allegation should be considered as a question of electoral transparency and verification and not merely as an inconvenience suffered by party agents.

30. The Petitioner further alleges that, after threats by the 1st Respondent and/or his agents, the Presiding Officer as an agent of the 2nd Petitioner failed/denied/declined to give chance to the Petitioner's agents to check or verify/inspect the figures indicated on Gen 20 forms at the Totaling centers.

31. It is further alleged that the Presiding Officer was threatened/coerced to declare the 1st Respondent as a winner before verifications of the majority polling-stations by stakeholders.

32. The Court is invited to consider whether the alleged exclusion, intimidation, destruction and verification failures deprived the tallying process of the safeguards required by law and whether the final declaration could safely be treated as an accurate aggregation of the votes cast.

33. The result of failure to tally the announced results against the aggregated figures were not possible due to lack of transparency and deliberate denial or failure to avail the tabulated numbers in favour of the 1st Respondent

34. A central issue is attribution. The law requires the Petitioner to prove to court that 1st Respondent in his own power or control did participate in various

electoral misconducts or through his agents upon whom he exercised control and power committed the aforesaid electoral misconducts. There is no doubt from evidence available that the said 1st Respondent was at all material times a participant in most alleged violence activities against members of an opponent party and/or in distribution of pens and money to electorates

35. Where attribution through an agent or knowledge, consent or approval is relied upon, the evidence should identify the relationship, authority, instructions, presence, communication, conduct before and after the incident, or other facts from which the Court is invited to draw the necessary inference.

36. Therefore the conduct of the 1st Respondent who was personally around during some of the violence and believed to have been instigated by him qualifies that the said 1st Respondent was in fact in control of his supporters at all material time and authorized the said electoral misconduct for his benefit but to the detriment of the Petitioner.

37. We further assert interest in the matter. In this regard we invite your Lordship to consider the following passage drawn from the case of **Arthur Lubinda Wina and Others v The Attorney General [1990 – 92] ZR, 95** in which it was stated as follows:

> **"To be "legally aggrieved," a person must not merely be dissatisfied with or even prejudiced by an action or decision. He must also have been deprived of or refused something to which he is legally entitled. He must be able to point out some encroachment of vested rights."**

The Petitioner asserts his interest as a candidate who was deprived of an opportunity to be elected as Representative of the People of Shiwang'andu Constituency the position to which he is legally entitled to, however, the said will of the people was subverted by the conduct of the 1st Petitioner and/or his agents

38. The Petitioner further states that the 1st Respondent with intention to lure voters to himself on several occasions involved in several defamatory

campaigns against the Petitioner using various platforms to instill fear among voters in support of the Petitioner.

39. All cogent evidence herein is a clear coordinated strategy aimed at influencing the electorates in the Constituency using prohibited means and illegal pursuit to the detriment of the Petitioner

40. For the foregoing reasons, and upon the evidence adduced at trial, the Petitioner shall invite the Court to find that the election for Shiwang'andu Constituency was not conducted in accordance with the governing electoral law and that the proved corrupt or illegal practices, misconduct, violence, intimidation, disenfranchisement, interference with electoral materials, exclusion of agents and tallying irregularities satisfy the statutory grounds relied upon in the Petition.

41. The Petitioner shall accordingly pray that the Court grants the reliefs sought in the Petition, including the appropriate order concerning the validity of the election, together with costs and such further or other relief as the Court may deem fit.

Dated the.....of August 2026

Par.....

Messrs K Phiri and Company

Mistry Flats

Flat 7,

Great East Road

Bwinjimfumu

LUSAKA

Advocates for the Respondent

To:

SAMPA MUSWEMA

KANCHIBIYA

1st Respondent

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

2026/HP/EP/013

IN THE MATTER OF: ARTICLE 73(1) OF THE CONSTITUTION OF ZAMBIA (AMENDMENT) ACT NO.2 OF 2016

AND

IN THE MATTER OF: SECTIONS 97(2) OF THE ELECTORAL PROCESS ACT, NO.3 OF 2016

AND

IN THE MATTER OF: SECTIONS 98(A), 99(A), 100(2)(A), 106(1)(B), 108(4) OF THE ELECTORAL PROCESS ACT, NO.3 OF 2016

AND

IN THE MATTER OF: THE PARLIAMENTARY ELECTION FOR KANCHIBIYA CONSTITUENCY OF THE DISTRICT OF KANCHIBIYA HELD ON THE 13th DAY OF AUGUST, 2026

BETWEEN:



SUNDAY C. CHANDA **PETITIONER**

AND

SAMPA MUSWEMA **1ST RESPONDENT**

ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

SKELETON ARGUMENTS

MAY IT PLEASE this Honourable Court, these are the Plaintiff's skeleton arguments in Support of Summons and Affidavit in Support of Summons for leave to serve the election petition by way of substituted service.

STATUTES

i. *Order 3 Rule 2 of the High Court Act Chapter 27 of the Laws of Zambia.*
ii. *Order 10 Rule 3 of the High Court Act Chapter 27 of the Laws of Zambia.*

CASES

i. *Pretoria City v Ismail 1938 TPD 24*

1. BRIEF FACTS

The Petitioner commenced proceedings by way of a Petition against the 1st and 2nd Respondent herein seeking the following reliefs

i. An order that the Parliamentary Elections for the Kanchibiya Consituency held on the 13th day of August, 2026 are null and void and an order that the 2nd Respondent holds elections within 90 days from the day of the said elections;
ii. Such other Orders as may seem just in the premises by this Honourable Court; and,
iii. Costs and interest thereon.

The Petitioner has made several attempts to effect personal service of court process on the 1st Respondent, Sampa Muswema, but has unable to do so as his physical residential address is unknown and cannot be ascertained despite diligent searches and enquiries.

In the circumstances, the Petitioner seeks an order of this Honourable Court for service of the Petition and other Court process by way of substituted service by way of advertising in the Zambia Daily or a notice at a court house.

2. *SKELETON ARGUMENTS*

a. **My Lord/ Lady**, it is our humble contention that this Honourable Court is vested with the Jurisdiction to grant the Plaintiff leave to serve process by way of substituted service. The Plaintiff is calling in aid the powers vested in this Honourable Court by **Order X Rule 3 of High Court Rules Chapter 27 of the Laws of Zambia,** which state that:

> *"Where personal service of any writ, notice, pleading, summons, order, warrant or other document, proceeding or written communication is required and it is made to appear to the Court or a Judge that prompt personal service cannot be effected, the Court or a Judge may make such order for substituted or other service, or for the substitution for service of notice by letter, public advertisement or otherwise, as may be just. Every application to the Court or a Judge for an order to be made under this rule shall be*

supported by an affidavit setting forth the grounds upon which the application is made." ***(Our Emphasis)***

b. **My Lord/ Lady,** we are further guided by **Order III Rule 2** provides this Honourable court with the power to grant any order it considered necessary to do justice in the cause. The order reads as follows;

> *"Subject to any particular rules, the Court or a Judge may, in all causes and matters, make any interlocutory order which it or he considers necessary for doing justice, whether such order has been expressly asked by the person entitled to the benefit of the order or not."* ***(Our Emphasis)***

c. **My Lord/ Lady**, we are persuaded by the case of **Pretoria City v Ismail 1938 TPD 246**, where **Schreiner J** stated the following:

> *"Substituted service is a way of achieving in law the same result as if the proceedings, notice or order, or whatever the matter may be had been brought to the notice of the persons affected. It is not a way of establishing that such notice or other matter was actually brought to the notice or knowledge of the person affected; it takes the place of bringing such notice or other matter to his knowledge. So in ordinary litigation, the summons may with the Court's leave be served by posting or by publication or in some other manner; and when that is done, there is no doubt that the service is just as operative and has the same legal results as if the party who had to be served was presented with a copy of the document to be served."* ***(Our Emphasis)***

d. **My Lord/ Lady,** based on the forgoing statutory provisions and case law, we reiterate that this Court is vested with the jurisdiction to grant the Plaintiff's application and that the Plaintiff is desirous to have the matter determined by this honourable court.

e. **My Lord/ Lady,** we humbly submit that no injustice will be suffered by the Defendant where this Honourable Court grants the Defendant leave to serve originating process by way of substituted service.

ii. **PRAYER**

a. It is the Plaintiff's prayer that this Honourable Court grants its application for leave to serve originating process by way of substituted service.

b. AND that costs be in the cause.

Much obliged.

Dated the 2nd day of September 2026

Per.....K. Phiri.....

MESSRS K PHIRI AND COMPANY
Mistry Flats, Flat 7,
Great East Road
Bwinjimfumu
Email: kphiriandcompany@gmail.com
P.O. Boc 33603
LUSAKA
ADVOCATES FOR THE PETITIONER

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

2026/HP/EP/013

IN THE MATTER OF: ARTICLE 73(1) OF THE CONSTITUTION OF THE REPUBLIC OF ZAMBIA (AMENDMENT) ACT NO. 2 OF 2016

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

IN THE MATTER OF: SECTIONS 98(A), 99(A), 100(2) (A), 106(1)(B), 108(4) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016

IN THE MATTER OF: THE PARLIAMENTARY ELECTION FOR KANCHIBIYA HELD ON THE 13TH DAY OF AUGUST, 2026

BETWEEN:



SUNDAY C. CHANDA PETITIONER

AND

SAMPA MUSWEMA 1ST RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA 2ND RESPONDENT

2ND RESPONDENT'S SKELETON ARGUMENTS

SKELETON ARGUMENTS

1 BACKGROUND

1.1 **IF IT MAY PLEASE THIS HONOURABLE COURT,** these are the 2nd Respondent's Skeleton Arguments.

1.2 My Lord/Lady, the 2nd Respondent shall rely on the facts deposed in the Affidavit in Opposition of the 2nd Respondents Answer ("**Affidavit in Opposition**") filed herewith.

2 THE LAW AND ARGUMENTS

2.1 My Lord/Lady, **The Constitution of the Republic of Zambia (Amendment) Act No. 2 of 2016** ("**the Constitution**") provides for the conduct which must be employed during elections. According to **Article 45 (2) of the Constitution** *"The electoral process and system of administering elections shall ensure – (a) that elections are free and fair; (b) that elections are free from violence, intimidation and corruption; (c) independence, accountability, efficiency and transparency of the electoral process; (d) a simple and practical system of voting and tabulating votes; and (e) timely resolution of electoral disputes."*

2.2 My Lord/Lady, it is our submission that in the administration of its duties, the 2nd Respondent and its agents conducted their duties to the standard required by the law.

2.3 My Lord/Lady, we are alive to the fact that **Article 73(1) of the Constitution** provides that *"A person may file an election petition with the High Court to challenge the election of a Member of Parliament."* However, it is important to note

that in as much as a petition may be filed to challenge elections, the law prescribes a certain threshold for these petitions to reach in order for them, to be properly regarded. My Lord/Lady, in this regard, we shall rely on the following Authorities:

2.3.1 **Lewanika & Others v. Chiluba** *"Parliamentary election petitions are required to be proved to a standard higher than on a mere balance of probability";*

2.3.2 **Saul Zulu v. Victoria Kalima**, the Supreme Court reaffirmed this position and further stated that *"in an election petition, the issues raised are required to be established to a fairly high degree of convincing clarity";*

2.3.3 **Levison Mumba v. Peter Daka** reiterated this principle by providing that *"it is one that falls in between the civil standard of the balance of probabilities and the criminal standard of proof beyond reasonable doubt"*

2.3.4 We shall further place reliance on the following authorities on **Section 97(4) of the Electoral Process Act** No. 35 of 2016 ("**the Electoral Process Act**") which provides that *"An election shall not be declared void by reason of any act or omission by an election officer in breach of that officer's official duty in connection with an election if it appears to the High Court or a tribunal that the election was so conducted as to be*

substantially in accordance with the provisions of this Act, and that such act or omission did not affect the result of that election."

2.4 My Lord/Lady, regarding the procedure to be adopted by an aggrieved party, **Section 70** of the **Electoral Process Act** provides that *"An election or polling agent may object to an alleged inaccuracy in the counting of the votes or the announcement of a result under section seventy-one. (2) An objection under subsection (l) shall be made to a presiding officer, in the prescribed form, at any stage before the presiding officer has announced the result. (3) A presiding officer shall determine the objection and decide whether to order a recount. (4) A presiding officer shall notify the objector and any other party involved in the objection, of the decision made under subsection (3). (5) If a presiding officer orders a recount, the presiding officer shall announce the result afresh. (6) An appeal against the decision of a presiding officer may be made to the returning officer in the prescribed form."*

2.5 My Lord/Lady, in the premises, it is our humble prayer that the Petition be dismissed on the basis that it is bereft of merit.

2.6 We are obliged.

Dated at Lusaka the day of 2026.

Per: **Messrs. Roy Mwala & Co. Legal Practitioners**

Plot No. 4987, Block B, First Floor

LA Complex, LA Boulevard, Longacres

Lusaka

Email: info@roymwala-legal.com

Advocates for the Respondent

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

2026/HP/EP/013

IN THE MATTER OF:	ARTICLE 73(1) OF THE CONSTITUTION OF THE REPUBLIC OF ZAMBIA (AMENDMENT) ACT NO. 2 OF 2016
IN THE MATTER OF:	SECTIONS 97(2) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016
IN THE MATTER OF:	SECTIONS 98(A), 99(A), 100(2) (A), 106(1)(B), 108(4) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016
IN THE MATTER OF:	THE PARLIAMENTARY ELECTION FOR KANCHIBIYA HELD ON THE 13TH DAY OF AUGUST, 2026

BETWEEN:

SUNDAY C. CHANDA	PETITIONER
AND	
SAMPA MUSWEMA	1ST RESPONDENT
ELECTORAL COMMISSION OF ZAMBIA	2ND RESPONDENT

2ND RESPONDENT'S SKELETON ARGUMENTS

Per: **Messrs. Roy Mwala & Co. Legal Practitioners**
Plot No. 4987, Block B, First Floor
LA Complex, LA Boulevard, Longacres
Lusaka
Email: info@roymwala-legal.com
Advocates for the Respondent

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

2026/HP/EP/013

IN THE MATTER OF:	ARTICLE 73(1) OF THE CONSTITUTION OF THE REPUBLIC OF ZAMBIA (AMENDMENT) ACT NO. 2 OF 2016
IN THE MATTER OF:	SECTIONS 97(2) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016
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IN THE MATTER OF:	THE PARLIAMENTARY ELECTION FOR KANCHIBIYA HELD ON THE 13TH DAY OF AUGUST, 2026

BETWEEN:

SUNDAY C. CHANDA — PETITIONER

AND

SAMPA MUSWEMA — 1ST RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
07 SEP 2026
PRINCIPAL REGISTRY 6
P.O. BOX 50067, LUSAKA

2ND RESPONDENT'S AFFIDAVIT IN OPPOSITION

I, **POSTER MUKANKATA**, of Kanchibiya Town Council, Kanjela Village in the Muchinga Province of the Republic of Zambia, **DO HEREBY MAKE OATH** and **SAY** as follows:

1. That my full names and residential address are as stated above.
2. That I am a Zambian national.
3. That I was the Returning Officer for Kanchibiya Constituency in Kanchibiya District in relation to the Parliamentary Election held on the 13th day of August, 2026 and I depose to this affidavit from facts and information availed to me within the aforesaid capacity.
4. That I have read the Affidavit Verifying Facts of the Petitioner, filed in support of the Petition ("**the Petitioner's Affidavit**"), and I shall respond thereto as follows.

5. That the contents of paragraphs 1 and 2 of the Petitioner's Affidavit are within the personal knowledge of the Petitioner.

6. That the contents of paragraph 3 of the Petitioner's Affidavit are not in dispute.

7. That the contents of paragraph 4 of the Petitioner's Affidavit are denied and the 2nd Respondent shall aver that contrary to the allegation, the elections were, free and fair and not marred with irregularities, illegal practices, acts of violence, intimidation, corrupt practices, procedural breaches, misconduct or non-compliance with electoral laws and regulations.

8. That the contents of paragraphs 5 to 20 of the Petitioner's Affidavit are within the peculiar knowledge of the Petitioner. I shall, nonetheless, aver that no complaint was ever received from the Petitioner, his agents or any person acting under his authority in the prescribed form or at all. In this regard, I shall aver as follows:

   (i) That the 2nd Respondent discharged all its duties and ensured that the elections were transparent and conducted stakeholder engagements where all participants were made aware and sensitized of their rights and obligations;

   (ii) The 2nd Respondent shall aver that the GEN 20 Results Forms were provided and signed by other party agents who were not from the 1st Respondent's party.

   (iii) The GEN 20 Results Forms were provided except where some polling agents left the polling station before the counting was complete, among other varying reasons.

   (iv) In any case, the failure to sign a GEN 20 Results Form does not, in itself, prevent the results recorded on the said form from being processed and transmitted nor invalidate the results recorded.

   (v) That, the Petitioner will be put to strict proof regarding any requests that were made by the 1st Respondent's agents to the Petitioner's agents to switch off their phones, in the presence of the electoral officers and the Zambia Police, which allegations were never brought to the 2nd Respondent's knowledge.

   (vi) That in any case, the 2nd Respondent shall aver that monitors were present at each polling station to ensure that the voters exercised their right freely and fairly.

9. That the contents of paragraphs 26 to 32 of the Petitioner's Affidavit are within the peculiar knowledge of the Petitioner.

10. In any case, I shall aver that no complaint was ever received to that effect from the Petitioner, his agents or any person acting under his authority in the prescribed form or at all.

11. That further to the above, as a measure to monitor and curtail political activity on the day of election and ensure that the elections were free and fair, the 2nd Respondent delineated the polling stations by 400 meters and restricted political activities within the vicinity.

12. That contrary to the contents of paragraph 33 of the Petitioner's Affidavit, the 2nd Respondent or its agents did not induce, entice or improperly interfered with the free exercise of the franchise by directing, inducing and/or coercing voters to vote for the 1st Respondent.

13. That in addition, the 2nd Respondent undertake a number of measures intended to prevent the said allegations such as encouraging party representatives to be present during the entire period, ensuring that there was security personnel and conducting trainings and programs to equip the participants with knowledge of their rights and obligations.

14. That in any event, no report was received concerning any alleged improper interference with voters by election officials at Mulonga Polling Station, Mbati Polling Station or any other polling station within Kanchibiya Constituency.

15. That the contents of paragraphs 34 to 37 of the Petitioner's Affidavit are within the peculiar knowledge of the Petitioner and I shall aver that no reports of the incidents alleged by the Petitioner were received in the prescribed form or at all.

16. That the contents of paragraphs 38 and 39 of the Petitioner's Affidavit are disputed.

17. That by reason of the foregoing, I am advised by the 2nd Respondent's Advocates (Roy Mwala & Co. Legal Practitioners), and verily believe the same to be true, that the Petition is bereft of merit and ought to be dismissed.

18. That I depose to the within fcats verily believing the same to be true and corrcet to my knowledge and belief.

SWORN by the said)
POSTER MUKANKATA at Lusaka)
this 07 day of 04 2026)

DEPONENT

BEFORE ME:

MASEKWE BANDA
LEGAL PRACTITIONER
COMMISSIONER FOR OATHS

COMMISSIONER FOR OATHS

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

2026/HP/EP/013

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
09 SEP 2026
PRINCIPAL REGISTRY 5
P.O. BOX 50067, LUSAKA

IN THE MATTER OF: ARTICLE 73(1) THE CONSTITUTION OF ZAMBIA (AMENDMENT) ACT NO. 2 OF 2026, OF THE LAWS OF ZAMBIA

AND

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

AND

IN THE MATTER OF: SECTIONS 98 (A), 99(A), 100(2)(A), 106(1)(B), AND 108 (4) OF THE ELECTORAL PROCESS NO. 35 OF 2016 OF THE LAWS OF ZAMBIA

AND

IN THE MATTER OF: THE PARLIAMENTARY ELECTION FOR KANCHIBIYA CONSTITUENCY OF THE DISTRICT OF KANCHIBIYA HELD ON THE 13TH DAY OF AUGUST, 2026

BETWEEN

SUNDAY C. CHANDA — **PETITIONER**

AND

SAMPA MUSWEMA — **1ST RESPONDENT**

ELECTORAL COMMISSION OF ZAMBIA — **2ND RESPONDENT**

AFFIDAVIT IN SUPPORT OF APPLICATION FOR LEAVE TO WITHDRAW ELECTION PETITION

I, SUNDAY C CHANDA, of Plot No KANCH/LN_79400/1277, Chalabesa, Kanchibiya, in the Kanchibiya District of the Muchinga Province of the Republic of Zambia, make oath and state as follows:

1. That my name and physical address is as stated above
2. That I am a Zambian National.
3. That I am the Petitioner in this matter and therefore competent and duly authorised to swear this Affidavit.

4. THAT on the 28th day of August 2026, I commenced these proceedings by filing an Election Petition challenging the election of the 1st Respondent as Member of Parliament for Kanchibiya Constituency.

5. THAT I have been informed by Advocates K Phiri and company and verily believe the same to be true that the 1st Respondent has not been served with the said Petition.

6. THAT I have since reconsidered the matter and have determined that I no longer wish to proceed with the said Election Petition.

7. THAT my decision to withdraw the Election Petition is voluntary and has been made freely and without any undue influence, coercion or pressure from any person.

8. THAT I have caused a Notice of Intention to Withdraw the Election Petition to be filed and served upon the Respondents.

9. THAT I am aware that under Section 103 of the Electoral Process Act No. 35 of 2016, I cannot withdraw the Election Petition without leave of this Honourable Court.

10. THAT I am further aware that under Section 104 of the Electoral Process Act, a person who might have been a petitioner in respect of the election may, upon the hearing of an application for leave to withdraw, apply to be substituted as petitioner.

11. THAT I accordingly seek leave of this Honourable Court to withdraw the Election Petition.

12. THAT I respectfully pray that this Honourable Court grants leave for the Election Petition to be withdrawn.

13. THAT I further pray that each party bears its own costs of and incidental to this application and the withdrawal of the Election Petition.

14. THAT what is stated herein is true to the best of my knowledge, information and belief.

SWORN by the said)
SUNDAY C. CHANDA)
at)
Lusaka this 8th day of)
September 2026)

.....
DEPONENT

BEFORE ME: _____

MWIICHE SEKETI
LLB, AHCZ, ASCZ
COMMISSIONER FOR OATHS
CHALWE & KABALATA
LEGAL PRACTITIONERS
PLOT NO. 6953 MILLENNIUM VILLAGE
BIRDCAGE WALK, LONG ACRES
P.O. BOX 35780, LUSAKA, ZAMBIA.

COMMISSIONER FOR OATHS

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

2026/HP/EP/013

IN THE MATTER OF:	ARTICLE 73(1) OF THE CONSTITUTION OF ZAMBIA (AMENDMENT) ACT NO.2 OF 2016
AND	
IN THE MATTER OF:	SECTIONS 97(2) OF THE ELECTORAL PROCESS ACT, NO.3 OF 2016
AND	
IN THE MATTER OF:	SECTIONS 98(A), 99(A), 100(2)(A), 106(1)(B), 108(4) OF THE ELECTORAL PROCESS ACT, NO.3 OF 2016
AND	
IN THE MATTER OF:	THE PARLIAMENTARY ELECTION FOR KANCHIBIYA CONSTITUENCY OF THE DISTRICT OF KANCHIBIYA HELD ON THE 13th DAY OF AUGUST, 2026

BETWEEN:

SUNDAY.C.CHANDA **PETITIONER**

AND

SAMPA MUSWEMA **1ST RESPONDENT**

ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

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

AFFIDAVIT IN SUPPORT OF EX-PARTE SUMMONS FOR AN ORDER FOR LEAVE FOR SERVICE OF PROCESS BY SERVICE OTHER THAN PERSONAL SERVICE BY ADVERTISEMENT AND/OR NOTICE

I, ZONDWA NDHLOVU, a Zambian national of House No. 807 Mapili Road, Matero in the Lusaka District of the Lusaka Province of the Republic of Zambia, do hereby make **OATH** say as follows: -

1. That my full names are as stated above.
2. That I am of Zambian Nationality
3. That I am a legal assistant at Messrs K Phiri and Company, advocates seized with conduct of this matter, thus competent to swear this affidavit from the facts and within my personal knowledge and belief.

4. That on the 28th day of August, 2026, K Phiri and Company commenced these proceedings against the 1st and 2nd Respondents herein by way of Petition on behalf of the petitioner.
5. That the 1st Respondent, Sampa Muswema, was a candidate in the parliamentary elections in Kanchibiya constituency held on the 13th day of August under the National Restoration Party for Unity and Prosperity (NRPUP) ticket.
6. That, however, the physical residential address of the Respondent is unknown to the Petitioner and is not recorded on public land or residential registries accessible to the Petitioner.
7. That despite diligent efforts to locate the physical residence or personal whereabouts of the 1st Respondent within Kanchibiya District, no person was able or willing to provide a residential physical address for the purpose of effecting personal service of the parliamentary election petition and accompanying documents.
8. That election petitions are subject to strict statutory time limits. Consequently, continued attempts at tracing an unknown residential address will unduly prejudice the hearing and determination of this Petition within the prescribed statutory timeframe.
9. That I verily believe that prompt service of the Court process for the petition on the 1st Respondent can only be achieved by advertising in the Zambian Daily Mail circulating within the jurisdiction of this Court.
10. That I propose that I alternatively serve by notice at the Court House, or some other place of public resort.
11. That the facts deposed herein are true and correct to the best of my knowledge.

SWORN by the said **ZONDWA NDHLOVU**)

At Lusaka this 2)

day of Sept 2026)

_____

DEPONENT

BEFORE ME: _____

COMMISSIONER FOR OATHS

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

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

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

2026/HP/EP/ 013

IN THE MATTER OF: ARTICLE 73(1) OF THE CONSTITUTION OF ZAMBIA (AMENDMENT) ACT NO. 2 OF 2016

AND

IN THE MATTER OF: SECTIONS 97(2) OF THE ELECTORAL PROCESS ACT, NO. 3 OF 2016

AND

IN THE MATTER OF: SECTIONS 98 (A), 99 (A), 100 (2) (A), 106 (1) (B), 108 (4) OF THE ELECTORAL PROCESS ACT NO, 35 OF 2016

AND

IN THE MATTER OF: THE PARLIAMENTARY ELECTION FOR KANCHIBIYA CONSTITUENCY OF THE DISTRICT OF KANCHIBIYA HELD ON THE 13th DAY OF AUGUST, 2026.

BETWEEN:

SUNDAY C. CHANDA **PETITIONER**

AND

SAMPA MUSWEMA **1ST RESPONDENT**

ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

AFFIDAVIT VERIFYING FACTS

I, **SUNDAY C. CHANDA**, a Zambian national of Plot No. KANCH/LN_79400/1277, Chalabesa, Kanchibiya, in the Kanchibiya District of the Muchinga Province of the Republic of Zambia, do hereby make **OATH** and **SAY** as follows:

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

2. That I am of Zambian Nationality.

3. That I am the petitioner in this matter thus, competent to swear this my affidavit from the facts and within my personal Knowledge and belief.

4. That on the 13th day of August, 2026, elections to the parliamentary seat of Kanchibiya Constituency were held and administered by the 2nd Respondent.

5. That on the 15th day of August, 2026, the returning officer for the Kanchibiya Constituency declared the 1st Respondent as the duly elected Member of Parliament for the Chinsali Central Constituency upon allegedly polling 4, 586 and myself allegedly polling 3, 562 with a margin of 1, 024 votes. Now produced and shown to me marked **"SCC 1 - 2"** is a copy of the declaration of the results.

4. That I am dissatisfied with the said results of the said elections as the same were marred with shockingly wide spread illegality practices, violence against persons and property, intimidation, corrupt practices, procedural breaches and other misconduct and non-compliance with the law and requisite regulations.

5. That Before, on the day of voting, and after the polling day, there was violence targeted at the electorates, members of the United Party for National Development (UPND) and the polling agents in over 30 out of the 61 Polling Stations that make up Kanchibiya Constituency and the said violence was propagated by the 1st Respondent and/or their agents and supporters with the full knowledge of the said 1st Respondent and/or his agents.

6. That the election was characterized by acts of violence, assault, threats and intimidation perpetrated against members, supporters, monitors and/or persons associated with the members of the United Party for National Development (UPND) and the Petitioner's campaign.

7. That in various parts of Kanchibiya Constituency, the 1st Respondent and/or his agents subjected the Petitioner's supporters and representatives to physical attacks, threats and intimidation and some of the affected persons who were physically assaulted and sustained injuries sought medical attention.

8. That the violence and intimidation formed part of an environment which impaired the ability of the Petitioner and his supporters, polling agents and representatives to freely participate in the electoral process.

9. The acts of violence and intimidation created fear among voters, polling agents and supporters and thereby interfered with the free exercise of the right to vote and the ability of the Petitioner and his agents to effectively monitor and verify the electoral process and it constituted serious violations of the principles governing free and fair elections and materially affected the conduct and integrity of the election.

10. That on the the eve of polling day, the residence of one Mr. John Siulapwa at Mpepo who was at the material time a Head teacher at Mpepo Primary School and a known acquaintance of the Petitioner and targeted because he was aligned to the ruling party was attacked by persons identified as members and/or supporters of the 1st Respondent's political party and himself as the candidate in the election and his agents which was politically motivated and was intended, or was reasonably capable of, intimidating, harassing and instilling fear in Mr. Siulapwa and other persons associated with the Petitioner and the UPND immediately before polling day and after that he proceeded to mpepo market where he threatened violence against marketers who are also supporters of the Petitioner and members of the UPND. The incident was reported to the Zambia Police Service at Chalabesa Police Station and was recorded under Occurrence Book No. 281 (OB 281). Now produced and shown to me marked **"SCC 3"** is a copy of the picture taken.

11. That on 11 August 2026, being two days before polling day, members and supporters of the Petitioner's Political Party UPND, including Bana Rasida Tembo, Bana Violet Mwewa and others, were attacked in Chambeshi Ward by persons identified as known agents of the 1st Respondent and members and supporters of the 1st Respondent's political party.

12. That on the eve of the polling day, after the closure of the campaign period and on the eve of polling, the 1st Respondent, together with persons accompanying and supporting him, went to the market in Chambeshi Ward and verbally attacked, intimidated and threatened marketeers who were known members and supporters of the Petitioner.

13. That some of the marketeers subjected to such conduct were Bana Rasida Tembo and Bana Violet Mwewa, together with other UPND members and supporters.

14. That the conduct was politically motivated and was directed at persons perceived to support the Petitioner and the UPND, and was calculated to instill fear and intimidate them immediately before polling and did in fact instill fear and intimidate them and affected the election.

15. That the the incidents of 11 and 12 August 2026 formed part of a wider pattern of political violence, intimidation, threats and harassment in Kanchibiya Constituency during the period immediately preceding polling day.

16. That on 13 August 2026, during polling, the wife of one of the Petitioner's polling agents at Mulima Polling Station was beaten because her husband was serving as the Petitioner's polling agent.

17. That during the period preceding, during and following the 2026 General Election, there was a widespread pattern of threats, intimidation and harassment in different parts of Kanchibiya Constituency directed at persons perceived to originate from Southern Province and/or who support the UPND and the Petitioner which included statements that persons from Southern Province who support the UPND and the Petitioner would be driven out of Kanchibiya if the 1st Respondent won and his party NRPUP formed Government, thereby creating fear and insecurity among such persons and interfering with their ability to freely participate in the electoral process.

18. That the threats were not confined to one locality or one individual but were reported in different parts of Kanchibiya Constituency, and formed part of a wider pattern of intimidation directed at persons perceived to be originating from Southern Province as UPND supporters and that of the Petitioner and one such victim was Mr Danford Mbongela, a businessman resident at Kasongo in Mumbubu Ward and a UPND official, who on or about 4th July 2026, at a political meeting held at Kasongo by NRPUP officials, was specifically threatened with eviction from the area on account of his being from Southern Province and supporting the UPND.

19. That the threats against Mr Mbongela continued during and after the polling period, with the last such threat being made on or about 24th August 2026.

20. That on Tuesday, 18th August 2026, following the declaration of the Presidential election results, Mr Mbongela's house was attacked by persons alleged to be members and/or supporters of the NRPUP, during which attack his radio and motorbike were damaged, and the incident was subsequently reported to the Zambia Police on 20th August 2026 but the threats against him persisted during and after the polling period, with the last such threat being made on or about 24th August 2026. Now produced and shown to me marked **"SCC 4-16"** is a copy of the pictures taken showing the damage at his home and his police report.

21. That at all polling stations within Kanchibiya Constituency, the Electoral Commission of Zambia Presiding Officers failed/denied/declined and/or refused to provide the Petitioner's duly appointed polling agents with copies of the completed GEN 20 results forms after the counting of votes.

22. That the failure to provide the Petitioner's agents with copies of the relevant GEN 20 results forms deprived the Petitioner of an important means of independently verifying the results subsequently transmitted, collated and declared by the Electoral Commission of Zambia.

23. That the said GEN 20 forms were only signed by the 1st Respondent's agents while the said 1st Respondent's agents threatened the Petitioner's agents to switch off their phones and leave the totaling center at Mikuba in full view of helpless electoral officers and the Zambia Police.

24. That it further made it impossible for the Petitioner to reconcile the results announced at individual polling stations with the figures subsequently included in the constituency tally and also created an unacceptable evidential gap and increased the possibility that discrepancies, alterations, additions or other irregularities occurring after the counting of votes could not readily be detected by the Petitioner and his agents.

25. That the failure to provide the prescribed copies of the results forms constituted a serious breach of the procedures intended to guarantee transparency, accountability and verifiability of the counting and results-management process.

26. That the 1st Respondent and/or his agents on polling day engaged in the distribution of writing pens to voters who were already in queues waiting to cast their votes at majority polling stations within Kanchibiya Constituency while voters were already assembled in queues awaiting their opportunity to vote and the pens were accompanied by the payment or attachment of K20 in cash to individual voters.

27. That the provision of a pen accompanied by K20 was calculated to influence, induce or reward voters in connection with the election and to cause them to vote for the opposing candidate and did in fact influence, induce or reward voters in connection with the election.

28. That the distribution of the pens together with cash was not a mere provision of stationery or an innocent campaign activity, but constituted an inducement to voters immediately before they exercised their constitutional right to vote and did in fact affect the result of the election.

29. That the National Restoration Party for Unity and Prosperity (NRPUP) members at various Polling Stations did engage in corrupt activities and one such incidence was at Mbati Polling Station where the 1st Respondent, and his Councillor and Mayor gave away Sugar, yeast, goat meat, salt, soap and other products to their colleagues and brewed beer and munkoyo and promised people to receive after voting pe lampi others received before voting and the people in the company of the 1st Respondent included: Derrick Kabamba, Mwaba Chanda, Bwalya Chikulya and Pephias Mpala (the Councillor)

30. That the National Restoration Party for Unity and Prosperity (NRPUP) members and their supporters were stationed outside the polling stations on the orders of their Presidential Candidate one Mr. Brian Mundubile threatening violence against perceived United Party for National Development (UPND) supporters when the rules provides for the opposite contrary to the relevant regulations.

31. That on the eve of the polling day, in and around Chinkobo Village and Chinkobo Polling Station in Mbati Ward, the 1st Respondent's agents and NRPUP officials went around the village distributing money to prospective voters in an attempt to induce them to vote for the 1st Respondent and did in fact induce them and amounts of K10, K20 and, in some instances, K50 cash were distributed to would-be voters by the said persons, accompanied

by requests, instructions and/or encouragement that the recipients should vote for the 1st Respondent.

32. That at over 50 Polling Stations, the Petitioner's agents were threatened and one such incident occurred on or about 17th August 2026, at Mikuba Secondary School, the Kanchibiya constituency totaling center, the 1st Respondent confronted the Petitioner's polling agent one Timothy and threatened him that he would be removed from the totaling center unless he switched off his telephone.

33. That at several other Polling Stations such as Mulonga Polling Station which has 1,002 registered voters and Mbati Polling Station which has 944 registered voters election officials in the employ of the 2nd Respondent improperly interfered with the free exercise of the franchise by directing, inducing and/or coercing voters to vote for the 1st Respondent.

34. That there was widespread violence across the whole constituency which put fear in the electorate especially those that intended to vote for the United Party for National Development (UPND) candidate.

35. That on the eve of the polls, slightly after 18:00hrs, and after the campaign period had ended, the 1st Respondent's agent and NRPUP members began playing NRPUP campaign songs at/around Mulima Polling Station in Mbati Ward throughout the night and it continued on 13th August 2026, polling day and it was audible in the polling station while polling staff, including the relevant election officials, were present/aware.

36. That during the period leading to and including the polling date, a deliberate campaign was undertaken by the 1st Respondent and/or his agents against the character, integrity of the Petitioner and one such incident was at a rally addressed by Chishimba Kambwili in support of the 1st Respondent where he alleged and publicly referred to the Petitioner that: "Sunday Ni Kabolala", meaning "Sunday is a thief," and at another rally at Kopa Primary School which was carried live on several Facebook pages, he referred to the petitioner as a "sellout", and "ifyana fyabene", in the context of his political affiliation.

37. That the 1st Respondent and/or his agent's campaign increasingly adopted a regional and ethnic character, including portraying the Petitioner as "Ifyana fyabene (strange mushroom)" and a "sellout" because of his decision to join a

political party perceived by his opponents as not originating from Northern Zambia..

38. That I have been advised by my advocates and verily believe the same to be true that an election to the office of a member of Parliament can be nullified on the ground of illegality, corrupt practices, misconduct, violence and non-compliance with the electoral rules.

39. That this is a proper case in which the parliamentary seat for the Kanchibiya Constituency can be declared null and void on the grounds spelt out in paragraph 38 herein.

40. That I depose to the facts stated in this Affidavit verily believing the same to be true and correct to the best of my knowledge.

SWORN by the said)
SUNDAY C. CHANDA)
at)
Lusaka this 28th day of)
August 2026)

DEPONENT

BEFORE ME:

REPUBLIC OF ZAMBIA
CONSTITUTIONAL COURT OF ZAMBIA
COMMISSIONER FOR OATHS
P.O. BOX [illegible], LUSAKA

COMMISSSIONER FOR OATHS

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

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
2 8 AUG 2026
PRINCIPAL REGISTRY 1
P.O. BOX 50067, LUSAKA.

2026/HP/EP/

IN THE MATTER OF: ARTICLE 73(1) OF THE CONSTITUTION OF ZAMBIA (AMENDMENT) ACT NO. 2 OF 2016

AND

IN THE MATTER OF: SECTIONS 97(2) OF THE ELECTORAL PROCESS ACT, NO. 3 OF 2016

AND

IN THE MATTER OF: SECTIONS 98 (A), 99 (A), 100 (2) (A), 106 (1) (B), 108 (4) OF THE ELECTORAL PROCESS ACT NO, 35 OF 2016

AND

IN THE MATTER OF: THE PARLIAMENTARY ELECTION FOR KANCHIBIYA CONSTITUENCY OF THE DISTRICT OF KANCHIBIYA HELD ON THE 13th DAY OF AUGUST, 2026.

BETWEEN:

SUNDAY C. CHANDA **PETITIONER**

AND

SAMPA MUSWEMA **1ST RESPONDENT**

ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

CERTIFICATE OF EXHIBITS

These are the exhibits referred to in the Affidavit of **SUNDAY C. CHANDA** marked **"SCC1-16"**.

REPUBLIC OF ZAMBIA
CONSTITUTIONAL COURT OF ZAMBIA
2 8 AUG 2026
COMMISSIONER FOR OATHS
P.O. BOX 50067, LUSAKA

BEFORE ME: _____

COMMISSIONER FOR OATH

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

2026/HP/EP/013

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

IN THE MATTER OF: ARTICLE 73(1) THE CONSTITUTION OF ZAMBIA (AMENDMENT) ACT NO. 2 OF 2026, OF THE LAWS OF ZAMBIA

AND

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

AND

IN THE MATTER OF: SECTIONS 98 (A), 99(A), 100(2)(A), 106(1)(B), AND 108 (4) OF THE ELECTORAL PROCESS NO. 35 OF 2016 OF THE LAWS OF ZAMBIA

AND

IN THE MATTER OF: THE PARLIAMENTARY ELECTION FOR KANCHIBIYA CONSTITUENCY OF THE DISTRICT OF KANCHIBIYA HELD ON THE 13TH DAY OF AUGUST, 2026

BETWEEN

SUNDAY CHANDA — **PETITIONER**

AND

SAMPA MUSWEMA — **1ST RESPONDENT**

ELECTORAL COMMISSION OF ZAMBIA — **2ND RESPONDENT**

NOTICE OF MOTION

TAKE NOTICE that this Honourable Court shall be moved on the ____ day of _____ 2026 at 09:00 hours or so soon thereafter as Counsel may be heard on behalf of the Petitioner for an Order granting the Petitioner leave to withdraw the Election Petition herein pursuant to Section 103 of the Electoral Process Act No. 35 of 2016 and Rule 22 of the High Court (Election Petition) Rules, 2026.

AND TAKE NOTICE that the application is made on the following grounds:

1. The Petitioner commenced these proceedings by filing an Election Petition challenging the election of the 1st Respondent as Member of Parliament for Kanchibiya Constituency.

2. The Petitioner has subsequently determined that he no longer wishes to proceed with the Election Petition.

3. The Petitioner has accordingly filed and served a Notice of Intention to Withdraw the Election Petition.

4. The application for withdrawal is made voluntarily and in good faith.

5. The withdrawal is sought before the conclusion of the proceedings and is therefore permissible under Rule 22 of the High Court (Election Petition) Rules, 2026.

6. It is just and equitable in the circumstances that the Petitioner be granted leave to withdraw the Election Petition.

7. The Petitioner is aware that, pursuant to Section 104 of the Electoral Process Act, any person who might have been a petitioner in respect of the election may, upon the hearing of this application, seek to be substituted as petitioner.

8. The Petitioner accordingly seeks such further or other order as this Honourable Court may deem fit.

AND TAKE FURTHER NOTICE that the Petitioner shall rely upon the Affidavit in Support sworn by Sunday C. Chanda, the Petitioner and filed herewith.

AND TAKE FURTHER NOTICE that the Petitioner shall seek an order that each party bears its own costs of and incidental to this application and the withdrawal of the Election Petition.

DATED this ____ day of September 2026.

Per:.....

Messrs K Phiri and Company
Mistry Flats
Flat 7,
Great East Road
Bwinjimfumu
LUSAKA
Advocates for the Petitioner

To:

SAMPA MUSWEMA
KANCHIBIYA
1st Respondent

ELECTORAL COMMISSION OF ZAMBIA
Elections house, Haile Selasie Avenue
elections@org.zm
Lusaka
2nd Respondent

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

2026/HP/EP/013

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
09 SEP 2026
PRINCIPAL REGISTRY 5

IN THE MATTER OF: ARTICLE 73(1) THE CONSTITUTION OF ZAMBIA (AMENDMENT) ACT NO. 2 OF 2026, OF THE LAWS OF ZAMBIA

AND

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

AND

IN THE MATTER OF: SECTIONS 98 (A), 99(A), 100(2)(A), 106(1)(B), AND 108 (4) OF THE ELECTORAL PROCESS NO. 35 OF 2016 OF THE LAWS OF ZAMBIA

AND

IN THE MATTER OF: THE PARLIAMENTARY ELECTION FOR KANCHIBIYA CONSTITUENCY OF THE DISTRICT OF KANCHIBIYA HELD ON THE 13TH DAY OF AUGUST, 2026

BETWEEN

SUNDAY CHANDA — **PETITIONER**

AND

SAMPA MUSWEMA — **1ST RESPONDENT**

ELECTORAL COMMISSION OF ZAMBIA — **2ND RESPONDENT**

NOTICE OF INTENTION TO WITHDRAW ELECTION PETITION

TAKE NOTICE that the Petitioner herein intends to apply to this Honourable Court for an Order granting leave to withdraw the Election Petition herein pursuant to section 103 of the Electoral Process Act No. 35 of 2016 and Rule 22 of the High Court (Election Petition) Rules, 2026.

TAKE FURTHER NOTICE that the application for leave to withdraw the Petition shall be made on the grounds that:

1. The Petitioner no longer wishes to proceed with the Election Petition.
2. The Petitioner has, upon further consideration of the matter, determined that it is in the interests of justice and the general Public that the Petition be withdrawn.
3. The withdrawal is made voluntarily and without prejudice to the rights of the Petitioner, save as may be provided by law.
4. The Petitioner accordingly seeks leave of this Honourable Court to withdraw the Election Petition.

AND TAKE FURTHER NOTICE that the Petition has at the time of this Notice not been served on the 1st Respondent.

DATED this ____ day of September 2026.

.....

Sunday C. Chanda
PETITIONER

Per:.....

Messrs K Phiri and Company
Mistry Flats
Flat 7,
Great East Road
Bwinjimfumu
LUSAKA
Advocates for the Respondent

To:

SAMPA MUSWEMA
KANCHIBIYA
1st Respondent

ELECTORAL COMMISSION OF ZAMBIA
Elections house, Haile Selasie Avenue
elections@org.zm
Lusaka
2nd Respondent