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

2026/ HP/EP/041

IN THE MATTER OF : ARTICLE 73 OF THE CONSTITUTION OF ZAMBIA

AND

IN THE MATTER OF : SECTION 81, 83, 84, 97, 98 & 100 OF THE ELECTORAL PROCESS A ACT NO. 35 OF 2016

AND

IN THE MATTER OF: REGULATION 15 OF THE ELECTORAL CODE OF CONDUCT, 2016

AND

IN THE MATTER OIF: THE HIGH COURT ELECTIONS PETITION RULES, 2026 S.I NO. 31 OF 2026



AND IN THE MATTER OF: THE PARLIAMENTARY ELECTION FOR CHAMA SOUTH CONSTITUENCY DECLARED ON THE 16TH AUGUST 2026

BETWEEN

DANIEL PHIRI — PETITIONER

AND

NKHATA JERIX — FIRST RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA — SECOND RESPONDENT

AFFIDAVIT VERIFYING FACTS

The Petition of **DANIEL PHIRI** of Plot No. 100/378a OFF Twin Palm Road, Ibex Hill, Lusaka

SHOWETH THAT:

1. THAT my Full names and Address are as above stated
2. THAT I am a Zambian Citizen and was a candidate in Respect of the Parliamentary election in Chama South Constituency in Eastern Province. THERE IS PRODUCED AND SHOWN TO ME AN EXHIBIT MARKED "DP1"

3. THAT There were 5 Parliamentary Candidates for Chama South Constituency and same included myself who successfully filed his nomination as an Independent Candidate and participated in the election and the first Respondent herein who also stood as an independent candidate
4. THAT Chama South Constituency had over 40 Polling Stations over presided over by one ZULU ANELO as the returning officer
5. THAT I polled a total of 3220 votes whereas the First Respondent polled a total of 4338 votes and was declared as having been duly elected as Member of Parliament for Chama South Constituency. THERE IS PRODUCED AND SHOWN TO ME A COPY OF THE EXHIBIT MARKED "DP2"
6. THAT the campaigns leading to the elections were characterized by conduct which fell short of the provisions and promulgations of the Electoral Commission Act and Code of Conduct Set Out in the Schedule to the Act and that this disregard resulted in the election of the 1st Respondent to my detriment.

7. THAT On the 7th August 2026 the First Respondent and his campaign team were seen paying voters K50 in exchange with the Voters Cards and National Registration Cards On the 7th August 2026 the First Respondent together with other persons unknown were seen distributing K50 notes to residents within Chama South Constituency

8. THAT On or about the 8th August 2026 the First Respondent was seen in the company of his supporters giving them K50 Notes to support him in the elections further on the 13th August 2026 a ZAMBIA WILD LIFE OFFICER was seen in a video chasing poling agents and disrupting the Voting process. Furthermore, on the 13th August 2026 the poling agents within Chama South Constituency were being chased from the polling stations and the said conduct offended the Electoral Code of Conduct.

9. THAT During the said campaign the First Respondent in the presence of his supporter made false statements about my death to prejudice his chances of winning the elections, On the 11th August 2026 I was involved in an Accident which resulted his Light Truck to be damaged beyond repair the First Respondent took advantage of the Accident and was heard at one of his community engagement advising voters to forget about the Petitioner stating that he had died

and they should not waste their vote on a Dead person, Thereby making the rural voters to believe and not vote for the Petitioner

10. THAT The First Respondent was seen collecting National Registration Cards from the Voters in Exchange of sum monies on the 7th August 2026 the First Respondent was seen acting together with his supporters collecting National Registration Cards from unknown people within Chama South Constituency.

11. THAT I am advised by counsel and verily believe so that the aforementioned misconducts impacted the outcome of the said election in favor of the First Respondent and that this Court has the competent Jurisdiction to render the said election Null and Void

12. THAT I depose to the facts herein same believing to be true and correct to the best of my knowledge

SWORN by the said)

DANIEL PHIRI at Lsk .)

Lusaka this 2 day of Sept 2026)

.....
DEPONENT

BEFORE ME: _____

COMMISSIONER FOR OATHS

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

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

2026/.....

BETWEEN:

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
02 SEP 2026
PRINCIPAL REGISTRY 1
P.O. BOX 50067, LUSAKA.



DANIEL PHIRI — PETITIONER

AND

NKHATA JERIX — FIRST RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA — SECOND RESPONDENT

CERTIFICATE OF EXHIBITS

These are the exhibits referred to in the Affidavit of **DANIEL PHIRI** and therein marked **"DP1-DP2 ".**

Dated the .....2..... day of .....Sept.....2026.

Before me:_____
COMMISSIONER FOR OATHS



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

PDP/2

REPUBLIC OF ZAMBIA

ELECTORAL COMMISSION OF ZAMBIA

THE Electoral Process Act, 2016

(Act No. 35 of 2016)

The Electoral Process (General) Regulation, 2021

GEN 20b
[Regulation 50(2)]
(complete in triplicate)

DECLARATION OF THE RESULTS OF THE POLL - Member of Parliament

I, ZULU ANELO being the Returning Officer for CHAMA SOUTH Constituency, CHAMA District, do hereby declare that I have, inaccordance with the law, ascertained the results of the poll in the said constituency and that they have been given to

Name of Candidate	Political Party	Votes	Votes (in words)
NKHATA Jerrix	IND	4,338	Four Thousand Three Hundred and Thirty-Eight
PHIRI Daniel	IND	3,220	Three Thousand Two Hundred and Twenty
MVULA D Elijah	UPND	3,114	Three Thousand One Hundred and Fourteen
LUNGU George	NRPUP	2,945	Two Thousand Nine Hundred and Forty-Five
MTEUKA K Yobe	SP	129	One Hundred and Twenty-Nine

her declare that a total of 601 ballot papers have been rejected as invalid and that a total of 14,347 Votes were cast.

I therefore declare that the said NKHATA Jerrix to be this day duly elected as Member of Parliament for CHAMA SOUTH Constituency.

Dated this 16 day of August, 2026 Signature: .....

Witnessed by:

Name	Organisation	Signature	Name	Organisation	Signature
A. MOYO	Independent				
K. NKHATA	INDEPENDENT				
S. [illegible]	NRPUP				
P. MWALE	FDD/AVAP				
[illegible]	CCMG	[illegible]			
Mazuba Bernard	CARITAS				

This form must be completed in sufficient quantities to give one copy to each candidate or their polling agent by the Returning Officer. The Returning Officer must read out aloud the text from the original to the public at the place where the totalling of the votes takes place.

2. The full names of the candidates, party and votes received in figures and words must be inserted in the columns above, with the successful candidate's name at no. 1.

3. The original of this form must be delivered to the Electoral Commission of Zambia by the quickest possible means and a copy must be retained by the Returning Officer.

a NJQU

2026/...HP/LEP/041

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

IN THE MATTER OF :	ARTICLE 73 OF THE CONSTITUTION OF ZAMBIA
AND	
IN THE MATTER OF :	SECTION 81, 83, 84, 97, 98 & 100 OF THE ELECTORAL PROCESS A ACT NO. 35 OF 2016
AND	
IN THE MATTER OF:	REGULATION 15 OF THE ELECTORAL CODE OF CONDUCT, 2016
AND	
IN THE MATTER OIF:	THE HIGH COURT ELECTIONS PETITION RULES, 2026 S.I NO. 31 OF 2026
AND IN THE MATTER OF:	THE PARLIAMENTARY ELECTION FOR CHAMA SOUTH CONSTITUENCY DECLARED ON THE 16TH AUGUST 2026

BETWEEN

DANIEL PHIRI	PETITIONER
AND	
NKHATA JERIX	FIRST RESPONDENT
ELECTORAL COMMISSION OF ZAMBIA	SECOND RESPONDENT

ELECTION PETITION

The Petition of **DANIEL PHIRI** of Plot No. 100/378a OFF Twin Palm Road, Ibex Hill ,Lusaka

SHOWETH THAT

1. The Petitioner is a Zambian Citizen and was a candidate in Respect of the Parliamentary election in Chama South Constituency in Eastern Province
2. There were 5 Parliamentary Candidates for Chama South Constituency and same included the Petitioner who successfully filed his nomination as an Independent Candidate and participated in the election and the first Respondent herein who also stood as an Independent candidate

3. That Chama South Constituency had over 40 Polling Stations over presided over by one ZULU ANELO as the returning officer
4. That your Petitioner polled a total of 3220 votes whereas the First Respondent polled a total of 4338 votes and was declared as having been duly elected as Member of Parliament for Chama South Constituency
5. The campaigns leading to the elections where characterized by conduct which fell short of the provisions and promulgations of the Electoral Commission Act and Code of Conduct Set Out in the Schedule to the Act and that this disregard resulted in the election of the 1st Respondent to the Petitioners detriment

GROUNDS RELIED ON

GROUND ONE

BRIBERY AND VOTE BUYING

On the 7th August 2026 the First Respondent and his campaign team where seen paying voters K50 in exchange with the Voters Cards and National Registration Cards

PARTICULARS

1. On the 7th August 2026 the First Respondent together with other persons unknown were seen distributing K50 notes to residents within Chama South Constituency
2. On or about the 8th August 2026 the First Respondent was seen in the company of his supporters giving them K50 Notes to support him in the elections
3. On the 13th August 2026 a ZAMBIA WILD LIFE OFFICER was seen in a video chasing poling agents and disrupting the Voting process
4. On the 13th August 2026 the poling agents within Chama South Constituency were being chased from the polling stations and the said conduct offended the Electoral Code of Conduct

GROUND THREE

FALSEHOOD STATEMENT

During the said campaign the First Respondent in the presence of his supporter made false statements about the Petitioner death to prejudice his chances of winning the elections

PARTICULARS

On the 11th August 2026 the Petitioner was involved in an Accident which resulted his Light Truck to be damaged beyond repair the First Respondent took advantage of the Accident and was heard at one of his community engagement advising voters to forget about the Petitioner

stating that he had died and they should not waste their vote on a Dead person, Thereby making the rural voters to believe and not vote for the Petitioner

GROUND THREE

COLLECTION OF NRCS FROM VOTER

The First Respondent was seen collecting National Registration Cards from the Voters in Exchange of sum monies

PARTICULARS

I. On the 7th August 2026 the First Respondent was seen acting together with his supporters collecting National Registration Cards from unknown people within Chama South Constituency

II. The Petitioner shall argue that the illegal practices and/ or Misconduct were committed by the First Respondent with Knowledge , Consent or Approval of Second Respondent and as scuh may have prevented other voters in Chama South from voting

III. The Petitioner shall demonstrate by production of evidence to the effect that the affomentioned First Respondents Conduct affected the outcome of the Elections

YOUR PETITIONER therefore humbly prays that

i. The declaration of the First Respondent as Winner of the Parliamentary Seat for Chama South Constituency be declared Null and Void

ii. That the Second Respondent be Ordered to Re-run the Parliamentary Election for Chama South Constituency

iii. That the Petitioner be awarded other reliefs as the court may deem fit

iv. The Petitioner be awarded Legal Costs

AND YOUR PETITIONER will ever pray.

Dated this.....day of 2026

SGNED BY: .....

DANIEL PHIRI

PETITIONER

Messrs T.K Ndhlovu & Company
5TH Floor, Zimco House
Off Cairo Road, Lusaka
P.O BOX 36078

ADVOCATES FOR THE PETITIONER

IN THE HIGH COURT FOR ZAMBIA 2026/HP/EP/041

AT THE PRINCIPAL REGISTRY

HOLDEN AT LUSAKA

(Civil Jurisdiction)

REPUBLIC OF ZAMBIA HIGH COURT OF ZAMBIA 10 SEP 2026 PRINCIPAL REGISTRY 3 P.O. BOX 50067, LUSAKA.

REPUBLIC OF ZAMBIA HIGH COURT OF ZAMBIA 10 SEP 2026 PRINCIPAL REGISTRY 3 P.O. BOX 50067, LUSAKA.

BETWEEN:

DANIEL PHIRI **PETITIONER**

AND

NKHATA JERIX **1ST RESPONDENT**

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

SEARCH

Search For: 1. Petitioner has paid security for costs
2. Did the Petitioner seek leave of court.

General Results:

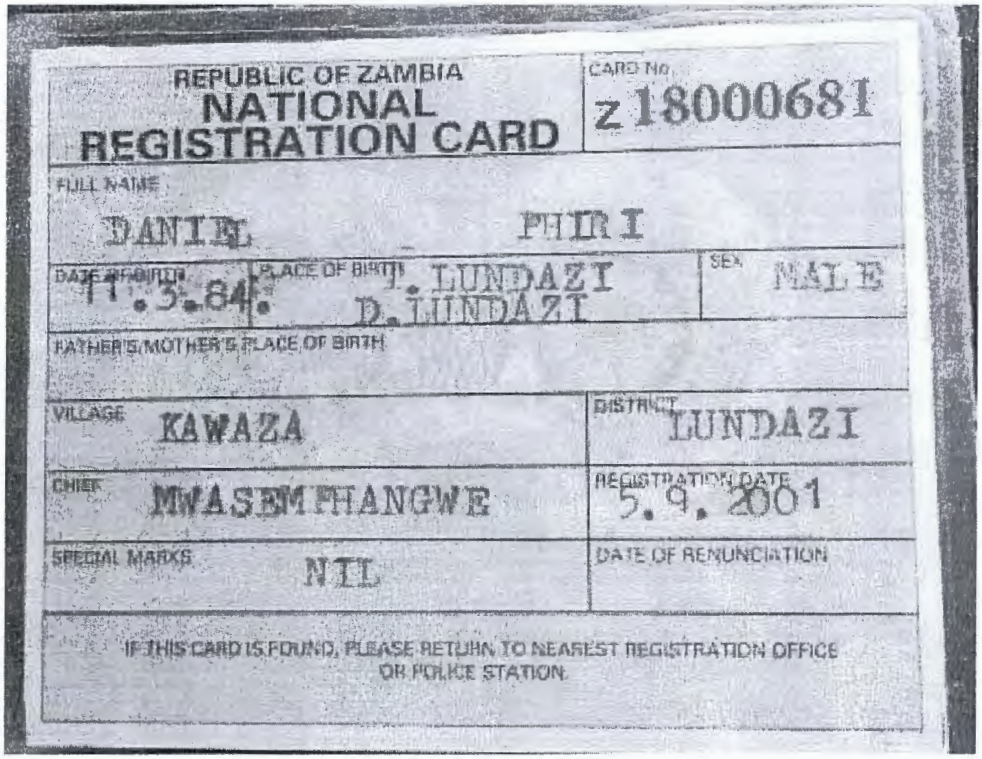
> They have not paid security for costs (Petitioner)
> The Petitioner did not seek leave of court to file out of the prescribed time.

Drawn by :.....

Messrs. Kamwi Andeleki Legal Practitioners
Premium House, 8th Floor Suite 801 B
Stand No. 7431, Independence Avenue
P.O Box 37619
LUSAKA
Email: KamwiAndelekiLegalPractitioners@hotmail.com
(ADVOCATES FOR THE 1ST RESPONDENT)

"D P.1"





REPUBLIC OF ZAMBIA
NATIONAL REGISTRATION CARD

CARD No. Z 18000681

FULL NAME: DANIEL PHIRI

DATE OF BIRTH: 11.3.84

PLACE OF BIRTH: T. LUNDAZI D. LUNDAZI

SEX: MALE

FATHER'S/MOTHER'S PLACE OF BIRTH:

VILLAGE: KAWAZA

DISTRICT: LUNDAZI

CHIEF: MWASEMPHANGWE

REGISTRATION DATE: 5.9.2001

SPECIAL MARKS: NIL

DATE OF RENUNCIATION:

IF THIS CARD IS FOUND, PLEASE RETURN TO NEAREST REGISTRATION OFFICE OR POLICE STATION.

("PD/2")

REPUBLIC OF ZAMBIA

ELECTORAL COMMISSION OF ZAMBIA

THE Electoral Process Act, 2016

(Act No. 35 of 2016)

The Electoral Process (General) Regulation, 2021

GEN 20b
[Regulation 50(2)]
(complete in triplicate)

DECLARATION OF THE RESULTS OF THE POLL - Member of Parliament

I, ZULU ANELO being the Returning Officer for CHAMA SOUTH Constituency, CHAMA District, do hereby declare that I have, inaccordance with the law, ascertained the results of the poll in the said constituency and that they have been given to

Name of Candidate	Political Party	Votes	Votes (in words)
NKHATA Jemx	IND	4,338	Four Thousand Three Hundred and Thirty-Eight
PHIRI Daniel	IND	3,220	Three Thousand Two Hundred and Twenty
MVULA D Elijah	UPND	3,114	Three Thousand One Hundred and Fourteen
LUNGU George	NRPUP	2,945	Two Thousand Nine Hundred and Forty-Five
MTEUKA K Yobe	SP	129	One Hundred and Twenty-Nine

I further declare that a total of 601 ballot papers have been rejected as invalid and that a total of 14,347 Votes were cast.

I therefore declare that the said NKHATA Jemx to be this day duly elected as Member of Parliament for CHAMA SOUTH Constituency.

Dated this 16 day of August, 2026 Signature: .....

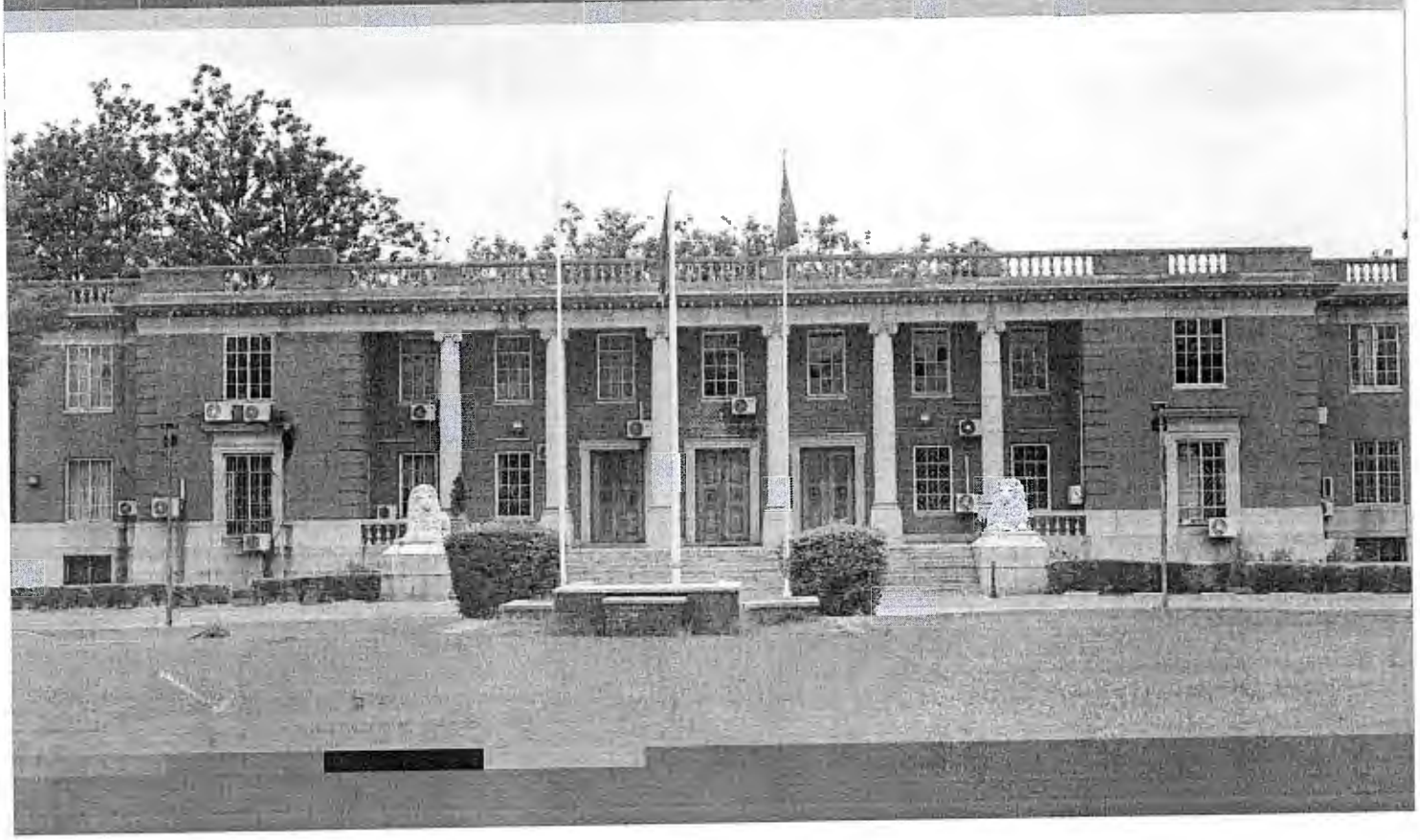
Witnessed by:

Name	Organisation	Signature	Name	Organisation	Signature
A. MOYO	Independent				
R. NKHATA	INDEPENDENT				
S. [illegible]	NRPUP				
P. MWALE	FDD/AVAP				
[illegible]	CCMS	[illegible]			
Mazuba Bwalya	CARITAS				

1. This form must be completed in sufficient quantities to give one copy to each candidate or their polling agent by the Returning Officer. The Returning Officer must read out aloud the text from the original to the public at the place where the totalling of the votes takes place.
2. The full names of the candidates, party and votes received in figures and words must be inserted in the columns above, with the successful candidate's name at no. 1.
3. The original of this form must be delivered to the Electoral Commission of Zambia by the quickest possible means and a copy must be retained by the Returning Officer.

Practical Guide

For Case Management of Parliamentary Election Petitions



PARLIAMENTARY NOMINATION AND ELECTION PETITIONS CHECKLIST-HIGH COURT

IMPORTANT NOTICE:

Two copies of this Practical guide must be filed and submitted to:

1. The Chairperson of the Advisory Committee on Election Management; and
2. A file copy to be kept on the record.

PARLIAMENTARY NOMINATION AND ELECTION PETITIONS PRACTICAL GUIDE

PART 1 (FOR OFFICIAL USE BY THE REGISTRY)

HIGH COURT..... ELECTION PETITION NO.....041..... OF .....2026.....		REMARKS
A. Parties to Petitions	PETITIONER (S): (Insert full name & address including email address and phone number) DANIEL PHIRI	
	RESPONDENT (S): (Insert full name & address including email address and phone number) NKHATA PHIRI ELECTORAL COMMISSION OF ZAMBIA	
B. JURISDICTION (TICK)	JURISDICTION (TICK) • A person may challenge the nomination of a candidate for election as Member of Parliament in the High Court. ☐ • A person may challenge the declaration of the Parliamentary election results in the High Court. ☑	

C. NATURE OF PETITION	**NATURE OF PETITION** Nomination [ ] Election [✓]
D. TIME	**TIME (Tick)** A nomination petition referred to in Part A above shall be filed in the High Court within seven (7) days from the close of nominations. A Parliamentary election petition referred to in Part A above shall be filed in the High Court within fourteen days (14 days) following the declaration of the election results by the Electoral Commission of Zambia.
	Date of close of nomination by the Electoral Commission of Zambia: [ ] Date of declaration of Parliamentary election election results by the Electoral Commission of Zambia: [16-05-2026] Date and time of filing nomination Petition: [ ] No. of days that have passed from the date of close of nominations to filing the Petition: [ ] No. of days that have passed from the date of declaration of the election results to the date of filing the Petition: [ ] **Note**: For this section write the dates and number of days in the boxes provided.
E. THE PETITION	**PETITION**
	Has the petition been filed? (Tick) [✓]

F. DOCUMENTS ACCOMPANYING THE PETITION	**List of Documents: (Tick)** 1. Affidavit verifying facts; ☑ 2. Skeleton arguments; ☑ 3. List of authorities and copies of authorities cited; ☑ 4. Any other documents. Specify: ....
G. FILING FEE	**Petition filing fee duly paid: (Tick)** • ZMW 1,144 ☑
H. AFFIDAVIT VERIFYING FACTS	**AFFIDAVIT VERIFYING FACTS BY PETITIONER (S) (Tick)** Affidavit sworn by the petitioner(s) ☑

I. SERVICE OF PETITION	Date of service of Petition: ☐ Date affidavit of service was filed: ☐ Service of a petition must be done within twenty four (24) hours of filing the Petition. The Petitioner shall file an affidavit of service as proof of service.
J. ANSWER TO PETITION	**ANSWER TO PETITION** An answer to petition filed. (Tick) ☐

K. DOCUMENTS ACCOMPANYING AN ANSWER	**DOCUMENTS ACCOMPANYING AN ANSWER: (Tick)** **1.** Opposing affidavit; ☐ **2.** Skeleton arguments; ☐ **3.** List of authorities and copies of the authorities cited; ☐ **4.** Other documents. Specify: ....
L. AFFIDAVIT IN OPPOSITION	**AFFIDAVIT IN OPPOSITION: (Tick)** Affidavit sworn by respondent: ☐
M. FILING FEE	**FILING FEE** Answer filing fee duly paid: ☐ • ZMW..... ☐
N. SERVICE OF ANSWER TO PETITION	Date of service of answer: ☐ Date affidavit of service was filed: ☐
	Service of answer shall be done within twenty-four (24) hours. An affidavit of service shall be filed as proof of service.
O. REPLY	A petitioner may reply after being served with the answer. A reply may be accompanied by an affidavit and skeleton arguments. Affidavit in reply filed (Tick): ☐ Skeleton arguments filed (Tick): ☐

P. RECORD SENT TO JUDGE	Date record sent to the Judge:
Q. APPLICATION TO WITHDRAW PETITION	**APPLICATION TO WITHDRAW PETITION (Tick)** For petitions see section 103 of the Electoral Process Act
	APPLICATION FOR LEAVE TO WITHDRAW FILED PETITION 1) Date of notice of intention to withdraw; (Tick) 2) Duly signed by the petitioner(s).(Tick) 3)Payment of filing fees; (Tick) 4)Duly filed at the Registry; (Tick) (5) Service of application on respondents. (Tick)
R.DATE APPLICATION TO BE HEARD	Date application to be heard: Outcome of application: Granted Dismissed Date of decision:

PART 2 (FOR OFFICIAL USE BY THE JUDGE)

S. CONTENTS OF PETITION	**Contents of the Petition :** 1. The petitioner's name and address. .... 2. The grounds relied upon and provision of the Electoral Process Act alleged to have been breached. (Attach copy of grounds as presented in the petition) (Tick) ☐
T. SCHEDULING CONFERENCE	**SCHEDULING CONFERENCE** The Court shall immediately after the filing of an answer summon the parties to a Scheduling Conference. a) Date appointed for Scheduling Conference ☐ b) Notice of Hearing of Scheduling Conference Served to all parties. (Tick) ☐ c) Directions issued at Scheduling Conference: i. ..... ii. ..... iii. .....

U. EXPECTED DATE OF CONCLUSION:	**EXPECTED DATE OF CONCLUSION:** ☐ Per Article 52(4) of the Constitution of Zambia, a nomination should be heard within twenty-one (21) days of its lodgment that is..... Date Judgment rendered ..... Per Article 73(2) of the Constitution of Zambia 2016, a parliamentary election petition should be heard within ninety days (90) of filing the Petition, that is ..... Date Judgment rendered .....
V. WITNESSES	**WITNESSES** List of witnesses: .... No. of Witnesses: ☐
W. FINAL ORDERS OF THE COURT	**FINAL ORDERS OF THE COURT** i. ..... ii. ..... iii. ..... iv. ..... v. ..... Date Judgment is issued :.....


UN
DP