IN THE HIGH COURT FOR ZAMBIA **2026/HP/EP/028**

AT THE PRINCIPAL REGISTRY

HOLDEN AT LUSAKA

(Constitutional Jurisdiction)



IN THE MATTER OF: **ARTICLE 1(2),(3), 8(c),(d),(e) AND 9(1)(b) OF THE CONSTITUTION OF ZAMBIA, CHAPTER ONE OF THE LAWS OF ZAMBIA**

IN THE MATTER OF: **ARTICLE 45(1)(a), (2)(a)(b)(c), 73(1) OF THE CONSTITUTION OF ZAMBIA, CHAPTER ONE OF THE LAWS OF ZAMBIA AS READ TOGETHER WITH SECTION 96, 97, 98 AND 99 OF THE ELECTORAL PROCESS ACT No. 35 OF 2016**

IN THE MATTER OF: **SECTION 81 (1)(a), 83 (1) (a)(d), (2) AS READ TOGETHER WITH THE ELECTORAL CODE OF CONDUCT OF THE ELECTORAL PROCESS ACT No. 35 OF 2016**

IN THE MATTER OF: **PART III OF THE HIGH COURT (ELECTION PETITION) RULES 2026**

IN THE MATTER OF: **AN ELECTION PETITION RELATING TO CHIRUNDU CONSTITUENCY PARLIAMENTARY ELECTIONS HELD ON THE 13TH DAY OF AUGUST, 2026**

BETWEEN:

NEVERS MUCHINDU **PETITIONER**

AND

ELECTORAL COMMISSION OF ZAMBIA **1ST RESPONDENT**

JAMES K. MWANJA **2ND RESPONDENT**

AFFIDAVIT VERIFYING FACTS

I, NEVERS MUCHINDU a Zambian national of 232 Medium Cost, Chirundu in the Southern Province of the Republic of Zambia **DO HEREBY MAKE OATH** and **SAY** as follows:

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

2. That I am the Petitioner herein and therefore competent to depose to this affidavit from facts within my personal knowledge, belief and information.

3. That I am one of the candidates who contested for the Chirundu Constituency Parliamentary seat under the United Party for National Development (**hereinafter referred to as "UPND"**) in the just ended general elections held on the 13th day of August, 2026.

4. That in the past Election the 2nd Respondent got 12,721 votes, while I got 11,698 and Mwape M. Lucky came in last with 677 votes. There is now produced and shown to me exhibit **"NM 1"** being a true copy of the declaration

5. That the election for Chirundu Constituency was not free and fair as they were characterized by violence, threats of Violence, intimidation, plagiarism, deception, vote buying and voter manipulation perpetrated by the 2nd Respondent and condoned by the 1st Respondent.

6. That my supporters and I were subjected to several vicious violent attacks and intimidation during the campaigns and on the day of voting, as we were targeted by the 2nd Respondent and his agents.

7. That on the 14th day of July, 2026 after the campaigns for that day, while moving from Kanyanga ward to the UPND command Centre for Chirundu, we arrived at Shoprite where my supporters and I were ambushed and viciously attacked by known agents of the 2nd Respondent who threw stones at us.

8. That following the attack, a pursuit was made to catch the perpetrators and someone named Jethro Mandeva was apprehended and taken to the Chirundu Police Station where he was arrested under APPB 1265/2026, while the 2nd Respondent's agent Lackson Sichulu fled the scene.

9. That some of my supporters were injured and the car I was moving in registration number NOV 7 was damaged. I advised that the matter be reported to the police and police reports were subsequently issued. There is now produced and shown to me exhibits **"NM 2"** being true copies of the pictures of the damage

10. Among the people that were injured were Popix Siambwelu and Peter Bbakasa who were issued with medical police reports. There is now produced and shown to me exhibits collectively marked **"NM 3"** being true copies of the Police Medical Reports.

11. That official complaints were filed at Chirundu Police Station and dockets were opened for assault and malicious damage to property under the following Occurrence Book numbers:

    i. 7704/26; and
    ii. 7718/26.

12. That on the 17th day of July, 2026, I hired Clement Boombe to pick some of my supporters from Chibwembezi, while on his way he was attacked by the 2nd Respondents Supporters who damaged his bus and, in the process, Given Moonga was injured. There is now produced and shown to me exhibits collectively marked **"NM 4"** being photos of the damage.

13. That the matter was reported to Chirundu Police Station and a docket for the same was opened under Occurrence Book Number 7850/26.

14. That the 2nd Respondent and I were summoned to the Conflict Management committee following the complaints over the recurring violence perpetuated by the 2nd Respondent.

15. That during the campaign period, the 2nd Respondent used branding that was misleading and a significant number of voters were misled into believing he was standing as candidate under the UPND ticket. There is now produced and shown to me exhibit **"NM 5"** being a flash disc containing video labeled **"vehicle branded in UPND colors"** depicting the misleading branding.

16. That despite standing as an independent candidate, the 2nd Respondent did distribute campaign material branded UPND both before and during the campaign period.

17. That I did make a complaint to the District Election Conflict management committee to stop the 2nd Respondent from using misleading campaigning branding and distribution of UPND branded material.

18. That at the hearing, the committee guided that the 2nd Respondent stops distributing UPND branded material, but he continued doing so despite the guidance.

19. That the 2nd Respondent and I were summoned to appear before the District Election Conflict Management Committee but the 2nd Respondent abstained from attending

and no further action was taken by the Police or the Committee in relation to the same.

20. That while campaigning, the 2nd Respondent misled voters into believing he was sent by the president of the UPND and had his blessings to campaign.

21. That on the 10th day of August, 2026, while my supporters and I were moving in a convoy of about 10 vehicles along T2 Road, near Chirundu junction on our way back from Lusito ward headed to the UPND command Centre, the 2nd Respondent came from behind and joined the convoy, after which he went to the right lane, fired gunshots and speedily drove away.

22. That on the 12th day of August, 2026, the 2nd Respondent and his agents distributed money to voters and encouraged them to vote for him with an undertaking that they would receive more money.

23. That on the day of voting being the 13th day of August, 2026, the 2nd Respondent in the presence of his supporters stormed Sikongo Polling Station and forced their way into the Poling Centre which cause violence and the polls were suspended for about 2 hours.

24. That I am reliably informed that on the day of voting, the 2nd Respondent's agents distributed money at Sikongo and New Apostolic polling station.

25. That during the counting of votes in the polling stations, my agents raised objections to the counting of votes in some of the polling centers as they noticed anomalies in the counting of the same.

26. That the objections were raised in the following polling stations:

    i. Chisamu polling station 01;
    ii. Agriculture Lusitu-02;
    iii. Nzimbe apostolic church 01;
    iv. Reformed Church-01;
    v. Mandenga polling Station -02;
    vi. Kayuni 01 Kapululira -01;
    vii. Kapululira - 01
    viii. Siabulembo New Apostolic Church 01;
    ix. Chirundu New Apostolic -01;

x. Jamba Polling Station.

27. That the objections raised were not dealt with by the presiding officers who are agents of the 1st Respondent and subsequently by the Returning Officer. There is now produced and shown to me exhibits **"NM 6"** being true copies of the objections.

28. That on the 14th day of August, 2026, prior to the announcement, I wrote a follow up letter to the returning officer to raise concern over the counting and tallying of votes. There is now produced and shown to me exhibit **"NM 7"** being a true copy of the letter.

29. That despite the objections raised, the returning Officer proceeded to announce the results and declare the 2nd Respondent as duly elected without ordering for the recounts in the affected areas.

30. That due to the miscounting and mismanagement of the of the elections at the aforementioned polling stations, the Petitioner was prejudiced as votes that belong to him were not tabulated.

31. That due to the inaccurate and improper sorting and counting of ballot papers the results tallied and announced by the 1st Respondent are not the true and correct reflection of the votes which I obtained during the election.

32. That from the announced results, the difference in votes between 2nd Respondent and myself was a margin of 1,023 which was not the correct position as sorting and counting of ballot papers in 10 polling stations was improperly and irregularly conducted and a recount should have been allowed by the Presiding Officers and the Returning Officer.

33. That on the 14th day of August, 2026, the 2nd Respondent transported some voters and supporters to the totaling centre where they were issued with money by the 2nd Respondent and his agents as they waited for the results. There is now shown to me in the flash disc exhibited on **"NM 5" "labeled video showing queue of people receiving money and woman saying she was given 480"**.

34. That at the totaling Centre, the 2nd Respondent moved with a battalion of his supporters and they were allowed to enter the totaling centre. There is now produced and shown to me in the flash disc on **"NM 5"** a video labelled **"mwanja**

entering the totaling center" and **"mwanja addressing his supporters"** showing the 2nd Respondent arriving the totaling center and addressing his supporters.

35. That as a result of the violence and intimidation attributed to the 2nd Respondent, some polling stations had low voter turnout as they were afraid to go and vote.

36. That the declaration of the results is shown on **"NM 1"** is not signed by the returning officer and the agents for all the political parties which raised questions of the authentication of the results announced.

37. That since the declaration of the 2nd Respondent as winner of the 13th August, 2026 election for Chirundu Constituency was premised on irregularly counted votes, violence and intimidation, the 1st Respondent through the Returning Officer failed to perform his duties as mandated by the Electoral Process Act.

38. That I am advised by my Advocates and verily believe the same to be true that the conduct of the 1st and 2nd Respondent is wrongful and the same violated provisions of the of the law.

39. That by the factors raised I was prejudiced and I verily believe had the Respondents not violated the provisions of the law, I would have won the election.

40. That I depose to the above verily believing the same to be true and correct in all aspects.

SWORN BY the said)
NEVERS MUCHINDU at Lusaka)
this 28 day of Aug 2026)

DEPONENT

BEFORE ME: _____

COMMISSIONER FOR OATHS

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

IN THE HIGH COURT FOR ZAMBIA **2026/HP/EP/.....**
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(Constitutional Jurisdiction)

IN THE MATTER OF:	**ARTICLE 1(2),(3), 8(c),(d),(e) AND 9(1)(b) OF THE CONSTITUTION OF ZAMBIA, CHAPTER ONE OF THE LAWS OF ZAMBIA**
IN THE MATTER OF:	**ARTICLE 45(1)(a), (2)(a)(b)(c), 73(1) OF THE CONSTITUTION OF ZAMBIA, CHAPTER ONE OF THE LAWS OF ZAMBIA AS READ TOGETHER WITH SECTION 96, 97, 98 AND 99 OF THE ELECTORAL PROCESS ACT No. 35 OF 2016**
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IN THE MATTER OF:	**PART III OF THE HIGH COURT (ELECTION PETITION) RULES 2026**
IN THE MATTER OF:	**AN ELECTION PETITION RELATING TO CHIRUNDU CONSTITUENCY PARLIAMENTARY ELECTIONS HELD ON THE 13TH DAY OF AUGUST, 2026**

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

BETWEEN:
NEVERS MUCHINDU **PETITIONER**
AND
ELECTORAL COMMISSION OF ZAMBIA **1ST RESPONDENT**
JAMES K. MWANJA **2ND RESPONDENT**

CERTIFICATE OF EXHIBITS

These are the exhibits marked **"NM 1 to NM 7"** referred to in the Affidavit Verifying Facts deposed by one **NEVERS MUCHINDU** filed herein.

Dated at Lusaka this day of 2026

BEFORE ME: _____

COMMISSIONER FOR OATHS

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

NM 1

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, MWEEMBA LLOYD MARTIN being the Returning Officer for CHIRUNDU Constituency, CHIRUNDU 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)
MWANJA K James	IND	12,721	Twelve Thousand Seven Hundred and Twenty-One
MUCHINDU M Nevers	UPND	11,698	Eleven Thousand Six Hundred and Ninety-Eight
MWAPE M Lucky	RP	677	Six Hundred and Seventy-Seven

I further declare that a total of 576 ballot papers have been rejected as invalid and that a total of 25,672 Votes were cast.

I therefore declare that the said MWANJA K James to be this day duly elected as Member of Parliament for CHIRUNDU Constituency.

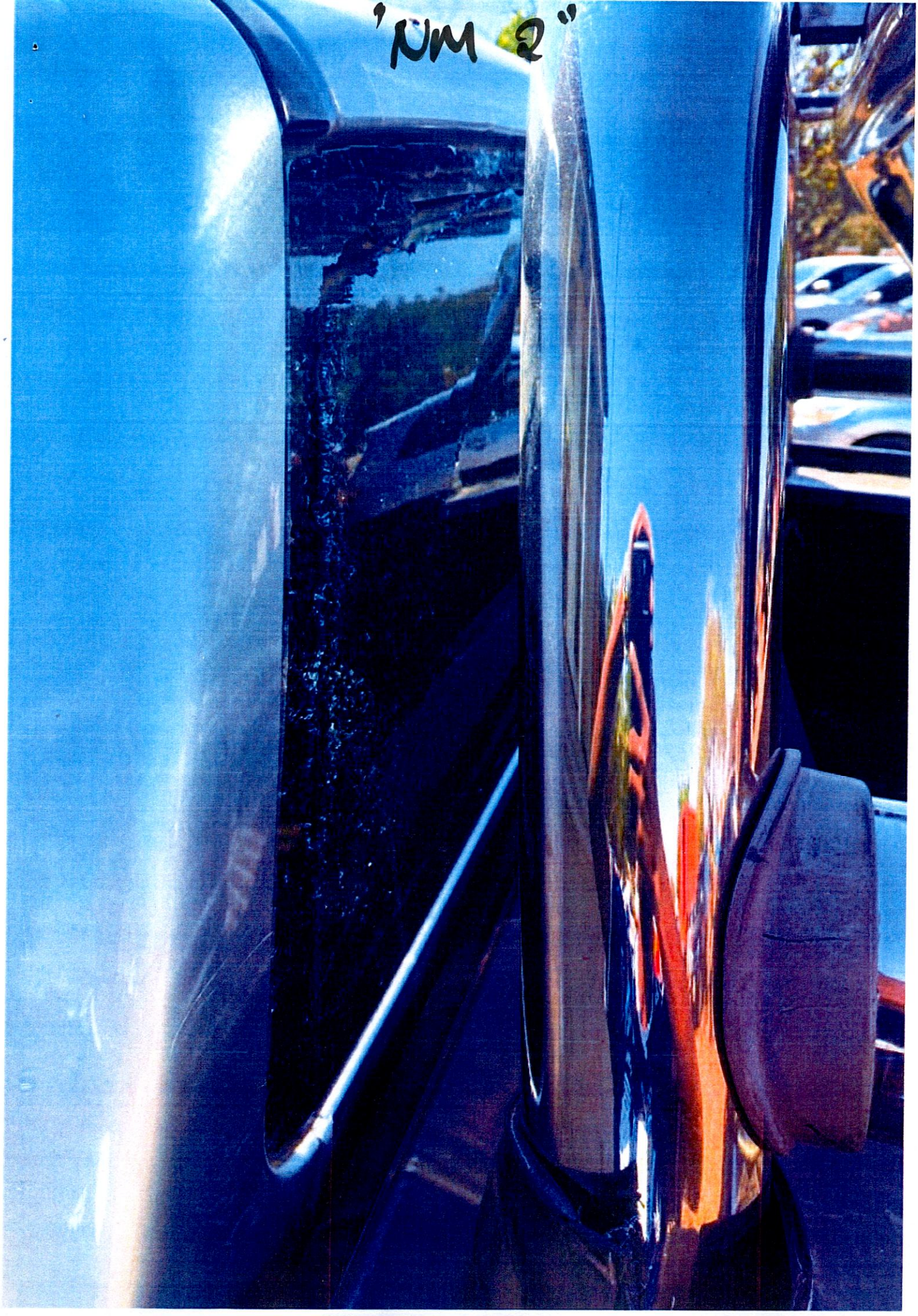
Dated this 16 day of August, 2026

Signature: PP/ RO

Witnessed by:

Name	Organisation	Signature	Name	Organisation	Signature

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.


"NM 2"









7718

"NM 3"

Stocked by QM Stores:

ZP Form 32

Police - Medical Report Form

A. Details of Complainant:

Name (first, middle and last name): Popia Siambwelu

Address: Gabon Compound

Sex/Age: M' 31 | Occupation: General worker | Contact No.: 0970502211

Marital Status: Married/ Single/ Divorced/ Separated/ Other

Next of Kin:

Name (first, middle and last name):

Relationship: | Contact No.: | Sex/Age:

Address:

B. Details of Allegation/ Complaint: Cut on the left head, and swollen head.

C. Details of Police Officer:

Name: Chimuli Audrey

Service No.: 49681

Rank: Constable

Station: Chirundu Police

Signature:

Date: 15/07/26

Official Date Stamp: ZAMBIA POLICE SERVICE CHIRUNDU POLICE STATION 15 JUL 2026 FRONT DESK P.O. BOX CRU 19, CHIRUNDU

D. Details of Examiner:

Name: Madiondo Katende

Title/Designation: Surgeon

Health Centre/Hospital: Mtendere M. Hospital

Signature:

Date: 15/07/26

Official Date Stamp: Mtendere Mission General Hospital Chirundu 15 JUL 2026 P.O. BOX 50, CHIRUNDU - ZAMBIA TEL. 0211 515056, FAX: 0211-515007 Email: info@mtendere.org

Details of Person(s) Present during Examination:
(Refers to parent, guardian, support person or any person the victim is comfortable with).

Name: Musam Fredrick | Address: Medium cost | Signature: [signature]

Relationship to Victim: Cousin | Contact No.: 0973983898 | Date: 15/07/26

E. General Examinations:
Condition and Appearance:
Garments:
Body Injuries: (1) Swollen & painful right Cheek (2) Bruise on the right shoulder
Identification Marks:
F. Ano-Genital Examinations:
Genital Examination:
Anal examination:
G. Investigations:

Swabs:	Date Done	Not Done (Tick)	Results	Comments
Oral				
Vaginal				
Urethral				
Rectal				
Other				
Tests:				
Pregnancy				
HIV				
Syphilis				
Other				

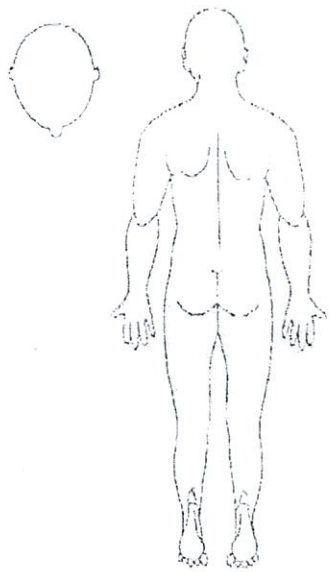
H. Indicate injuries on the sketches below:[1]

Sketch of person

Anterior View



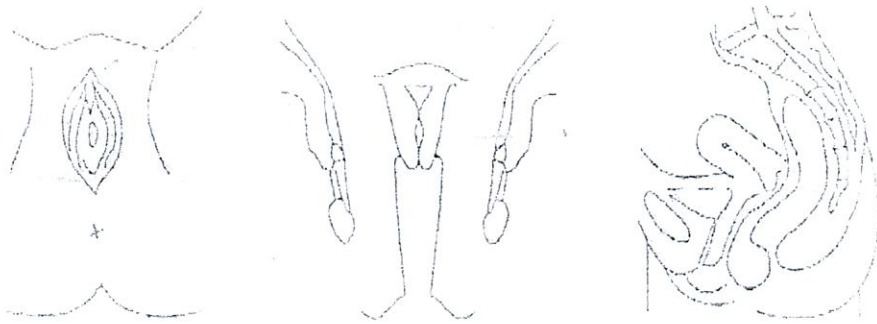
Posterior View



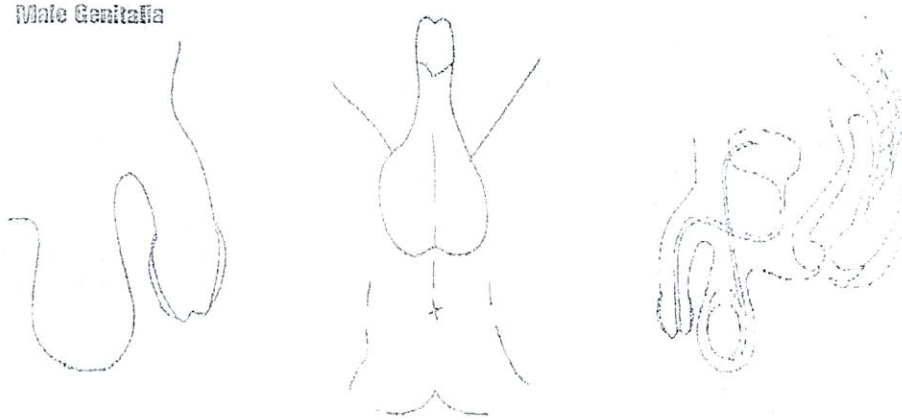
Comments



Female Genitalia



Male Genitalia



[1] Comments, if any, should be indicated in the comment section in the top-right corner of this page. The section is applicable to all the sketches.

I. Findings (clearly Indicate the findings):

- Swollen, tender right cheek
- Bruise on the right shoulder.

J. Opinion in relation to the allegation/complaint in Part (B) (after conclusive examinations, state whether they are consistent or not consistent with the allegations/complaint):

Consistent with assault

FOR USE BY THE EXAMINER

Name: Dr. KISTENDE MUSOKE	Official Date Stamp:
Title/Designation: SURGEON	
Signature:	
Date: 2026/07/15	

MTENDERE MISSION GENERAL HOSPITAL
PAID
15 JUL 2026
STATE DEPT.
P.O. BOX 50, CHIRUNDU
TEL: 020 515500

MINISTRY OF HEALTH
MTENDERE MISSION GENERAL HOSPITAL
DISCHARGE SLIP

MTENDERE MISSION HOSPITAL
Chirundu

15/07/26

Bearer: Popix SIAMBWELU Patient No.....

Is discharged today, she/he has been treated for: STI 2° Assault

Remarks: Discharged: Amoxyl, P.C.M via Dental Ch Rev PRN

Please pass to: Cashier

Name: S. Simkuns Signed: [signature] Position: COS Date: 15/07/26

Ministry Of Health || Mtendere Mission General Hospital || Wishes you a quick recovery-John 3:2

Stocked by QM Stores!

ZP Form 32

Police - Medical Report Form

A. Details of Complainant:

Name (first, middle and last name): PETER BBAKASA.

Address: CHIBAKETI, CHIRUNDU

Contact No.: 0977494716

Sex/Age: M30

Occupation: CLEARING

Marital Status: MARRIED Married/ Single/ Divorced/ Separated/ Other

Next of Kin: SUZYO MBUZI

Name (first, middle and last name): SUZYO MBUZI

Sex/Age: M

Relationship: BROTHER

Contact No: 0970479533

Address:

B. Details of Allegation/ Complaint:

SWOLLEN LEFT CALF, BRUISES ON RIGHT ARM AND BRUISES ON BOTH KNEES.

C. Details of Police Officer:

Name: SIKABULA RICHARD

Service No.: 29151

Rank: D/ LASP

Station: CHIRUNDU

Signature:

Date: 14-07-26

Official Date Stamp:

14-07

...NDU POLICE STATION
P.O. BOX CRU 1...
CHIRUNDU

D. Details of Examiner:

Name: MADIONDO KATENDE

Title/Designation: SURGEON

Health Centre/Hospital: MTENDERE M.G. HOSP.

Signature: KATENDE

Date: 15/07/26

Official Date Stamp:

MTENDERE MISSION GENERAL HOSPITAL
Chirundu
15 JUL 2026
P.O. BOX 50, CHIRUNDU - ZAMBIA
TEL. 0211 515056, FAX: 0211-515007
Email: info@mtendere.org

Details of Person(s) Present during Examination:
(Refers to parent, guardian, support person or any person the victim is comfortable with).

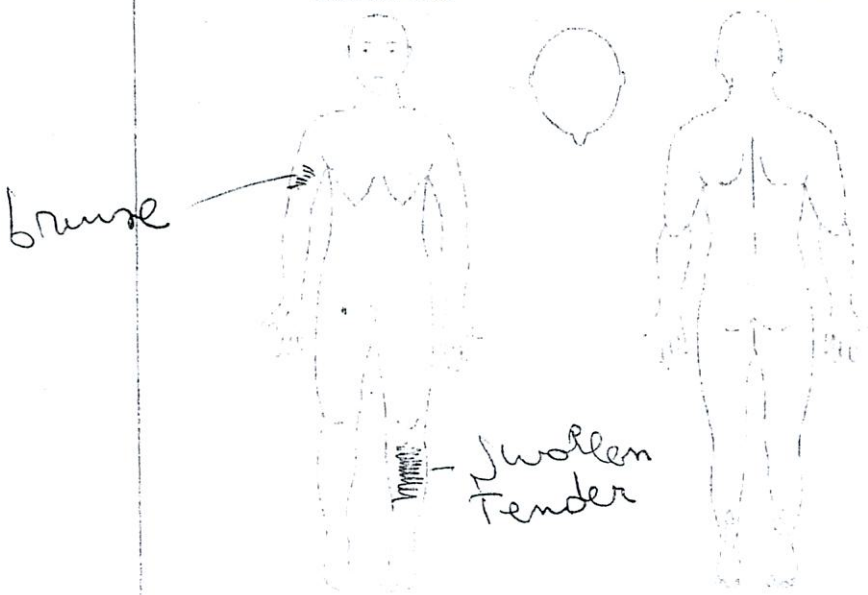
Name:	Address:	Signature:
Relationship to Victim:	Contact No.:	Date:

H. Indicate injuries on the sketches below:[1]

Sketch of person

Anterior View

Posterior View

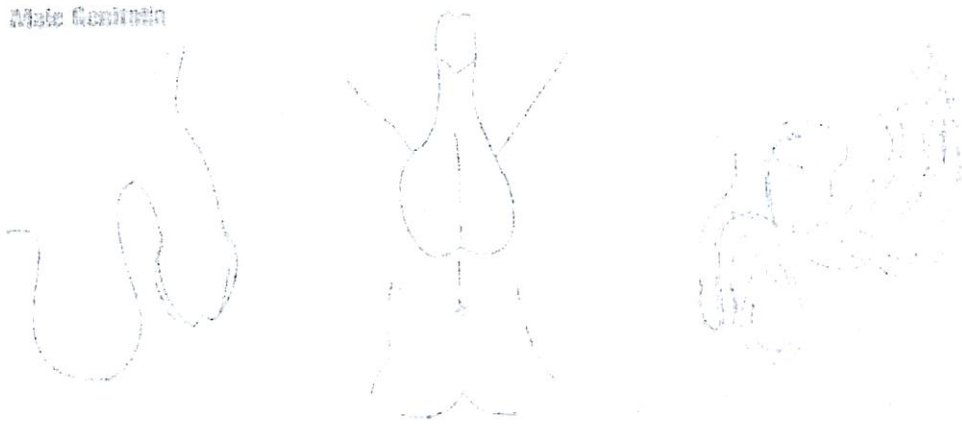


Comments

Female Genitalia



Male Genitalia



[1] Comments of any should be indicated in the comments section in the copyright [illegible] this page. The section is applicable to all the sketches.

E. General Examinations:

Condition and Appearance: —

Garments: —

Body Injuries:

— Swollen, tender left leg
— Walks with a limp.
— Bruise on the right arm

Identification Marks:

F. Ano-Genital Examinations:

Genital Examination:

Anal examination:

G. Investigations:

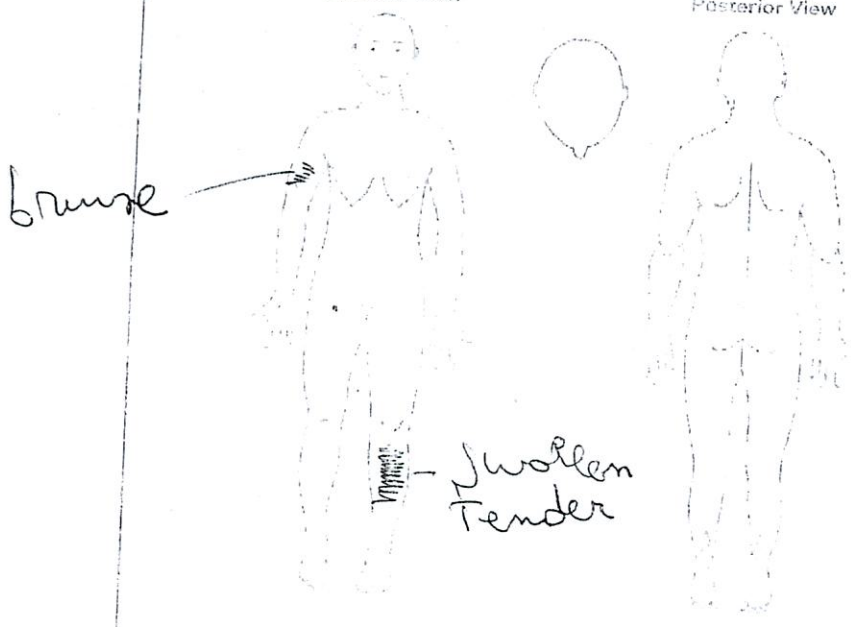
Swabs:	Date Done	Not Done (Tick)	Results	Comments
Oral				
Vaginal				
Urethral				
Rectal				
Other				
Tests:				
Pregnancy				
HIV				
Syphilis				
Other				

H. Indicate injuries on the sketches below:[1]

Sketch of person

Anterior View

Posterior View

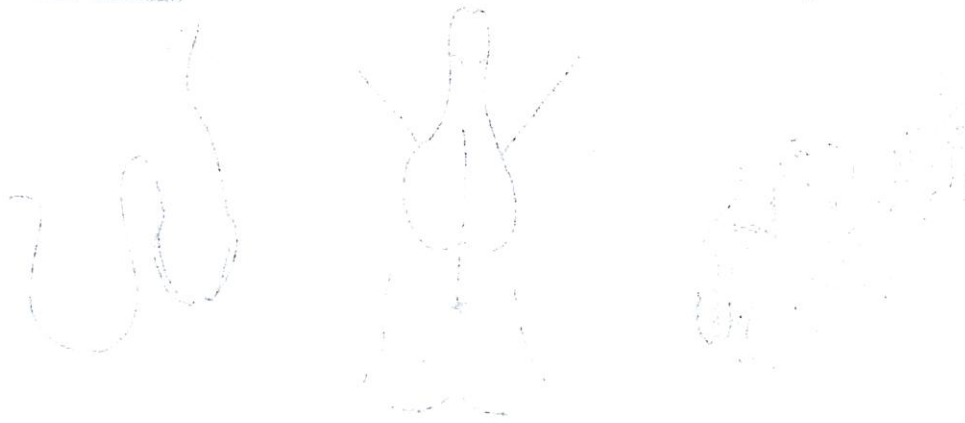


Comments

Female Genitalia



Male Genitalia



[1] Comments, if any, should be indicated in the [illegible] in the top-right corner [illegible] section is [illegible] on the sketches.

I. Findings (clearly Indicate the findings):

- swollen, tender left leg.
- bruise on the right arm
- walks with a limp

J. Opinion in relation to the allegation/complaint in Part (B) (after conclusive examinations, state whether they are consistent or not consistent with the allegations/complaint):

Consistent with assault

FOR USE BY THE EXAMINER

Name: MADIONDO KATENDE	Official Date Stamp:
Title/Designation: GEN. SUR GEON	
Signature: [signature]	
Date: 15/07/26	

MTENDERE MISS HOSPITAL
Chirundu
15 JUL 2026
P.O. BOX 50, CHIRUNDU - ZAMBIA
TEL. 0211 515056, FAX: 0211-515007
Email: info@mtendere.org

"рис 4"



"NM 7"

Received
15/08/2026

14th August, 2026

The District Electoral Officer

Chirundu Constituency

CHIRUNDU

Dear Sir,

REF: OBJECTION TO THE PARLIAMENTARY ELECTION RESULTS

Reference is made the subject matter.

Kindly take notice that my Agents in the following polling districts objected to manner the counting of the ballot papers were conducted and I varily believe that the concern raised should be addresses by way of recount before the declaration of the winner in order to ascertain that the right candidate is declared winner for the Chirundu Constituency Parliamentary election.

The concerns raised by my Agent to the Polling Officer and Appeal made to the Returning Officer are as follows:

1. Chisamu polling station 01

2.Agriculture Lusitu-02

3.Nzimbe apostolic church 01

4.Reformed Church-01

5.Mandenga polling Station -02

6.Kayuni 01

7.Kapululira -01

8.Siabulembo New Apostolic Church 01

9.Chirundu New Apostolic Church 01

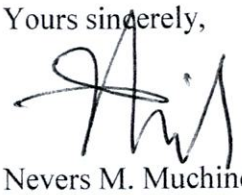
10.Jamba polling station 01

Validation of votes wherein suspected invalid votes were counted as valid vote and added to the votes of the alleged winner

Violence and intimidation of poll staffs by the alleged winner and his Agent/monitor

May you kindly take intrust in the above raised matters before the declaration of the winner.

Yours sincerely,



Nevers M. Muchindu

Parliamentary Candidate.