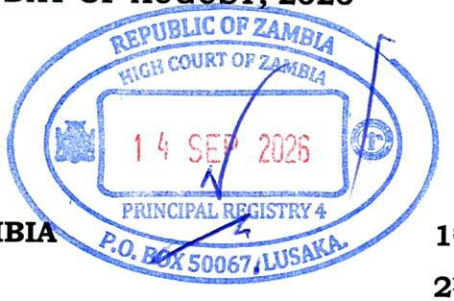
IN THE HIGH COURT FOR ZAMBIA **2026/HP/EP/028**

AT THE PRINCIPAL REGISTRY

HOLDEN AT LUSAKA

(Constitutional Jurisdiction)

IN THE MATTER OF:	**ARTICLE 1(2), (3), AND 8(c), (d), (e), 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**

PETITIONERS REPLY TO 2ND RESPONDENT'S ANSWER

---

1. The contents of paragraph 1 and 2 of the Answer are not in dispute.
2. The contents of paragraph 3 of the Answer are disputed and the Petitioner retorts that they are acts of violence that were perpetrated by the 2nd Respondent.
3. The contents of paragraph 4, 5 and 6 of the Answer are denied and the Petitioner restates the averments in paragraph 4(e), (f) and (g) of the Petition, save to add that

the Petitioner was attacked by the 2nd Respondents servants, agents and supporters.

4. The contents of paragraph 7 of the Answer are denied and the Petitioner restates the averments in paragraph (i) and (j) of the Petition.
5. The Petitioner denies the contents of paragraph 8, 9 and 10 of the Answer and the Petitioner retorts that the 2nd Respondent campaigned using UPND colors, material and songs which led to the filing of the complaint before the conflict management committee which was subject of a resolution but despite the guidance, prejudice had occurred and the 2nd Respondent and his agents did not completely desist from their actions.
6. The Petitioner denies the contents of paragraph 11 of the Answer and retort the averments of paragraph 4 (o) of the Petition.
7. The contents of paragraph 12 of the Answer are denied as the Petitioner either by himself or by his agent did fire, gun shots and proof shall be advanced at trial in that regard.
8. The contents of paragraph 13 and 14 of the Answer are denied and the Petitioner restates the averments in paragraph 4(q) and (r) of the Petition.
9. The contents of paragraph 15 of the Answer are denied as the 2nd Respondent had more than one agent in the polling stations and the 1st Respondent allowed agents of the 2nd Respondent who were not accredited into the polling station.
10. The contents of paragraph 16 of the Answer are denied as they were no reports of electoral failures prior to the 2nd Respondent storming the polling station in the accompaniment of his supporters and the polling station was closed as a result of the confusion that occurred instigated by the 2nd Respondent.
11. The contents of paragraph 17 of the Answer are denied and the Petitioner shall aver that the objections were raised and made in the prescribed form.
12. That the contents of paragraph 18 of the Answer are denied and the Petitioner retorts the averments in paragraph 4(w) of the Petition and adds that the failure to attend to the objections and request for a recount and other irregularities prejudiced him in the just ended election.
13. The contents of paragraph 19 and 20 of the Answer are denied and the Petitioner retorts the averments in paragraph 4(x) and (y) of the Petition.

14. The contents of paragraph 21 to 24 of the answer are denied and the Petitioner shall aver the alleged violations of the law at trial.
15. The Petitioner retorts that he is entitled to the reliefs sought.



PETITIONER

Drawn by: .....

Messrs. Kamwi Andeleki Legal Practitioners
Stand No. 7431, 8th Floor, 801B Western Wing
Premium House, Independence Avenue
P.O. Box 37619
LUSAKA
Email: kamwiandelekilegalpractitioners@hotmail.com
ADVOCATES FOR THE PETITIONER

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**

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

AFFIDAVIT IN REPLY TO 2ND RESPONDENTS AFFIDAVIT IN OPPOSITION TO 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 have read the Affidavit in Opposition to Affidavit Verifying Facts and wish to respond as follows:
3. That the contents of paragraph 1, 2 and 3 of the Affidavit in Opposition are not in dispute.
4. That the contents of paragraph 4 of the Affidavit in Opposition are in dispute in so far as it relates to the declaration issued in "**NM 1**" of the Petion being false and the Petitioners shall aver that the said Gen 20b was issued by the 2nd Respondent and the Gen 20b exhibited on **"JKM 1"** is false and only signed by agents of the 2nd Respondent.
5. I deny the contents of paragraph 5 of the Affidavit in Opposition and restate the averments in paragraph 5 of the Affidavit Verifying Facts (**"affidavit in support" or "in support"**).
6. That I deny the contents of paragraph 6 of the Affidavit in Opposition and retort the averments in support, save to add that the Petitioner did not perpetrate any violence whatsoever.
7. That I deny the contents of paragraph 7 and 8 of the Affidavit in Opposition and restate the averments in support.
8. That I deny the contents of paragraph 9 and 10 and restate the contents of paragraph 9, 10 and 11, save to add that the Petitioner did not perpetrate violence and evidence shall be averred in that regard.
9. That I deny the averments in paragraph 11 and restate the averments in support, save to add that the violence was perpetrated by the 2nd Respondent's agents and following the violence a confrontation occurred to which the police had to intervene.
10. That the contents of paragraph 12, 13 and 14 of the Answer disputed save to clarify that the 2nd Respondent was using UPND branding and material despite contesting as an independent candidate. The 2nd Respondent caused prejudice which led to the complaint being filed and further even after the mediation settlement, the 2nd Respondent did not desist from the actions complained of.
11. That further to paragraph 10, the Petitioner shall aver that a complaint was filed to the district elections officer on the 26th day of May, 2026 through the Constituency Secretary for the UPND Robert Singuwa which was followed by a hearing on 1st

June, 2026. There is shown to me exhibits collectively marked **"NM 1"** being copies of the letter of complaint and the mediation settlement.

12. That I deny the contents of paragraph 15 of the Affidavit in Opposition and retort the averments of paragraph 20 of the Affidavit in Support.
13. That the contents of paragraph 16 are denied and I shall aver that while in their entourage on their way back to the UPND Command Centre, the 2nd Respondent did fire gunshots.
14. Further to paragraph 13, the facts that I and my supporters attacked the 2nd Respondent at is camp house or residence are denied.
15. That I dispute the contents of paragraph 17 and retort the averments of paragraph 22 of the Affidavit in Support.
16. That I deny the contents of paragraph 23and shall aver that the 2nd Respondent caused violence at Sikongo Polling station after he forced entry into the polling station in the company of people not duly authorised by ECZ to be inside and as a result caused violence.
17. That I deny the contents of paragraph 19 of the Affidavit in Opposition and shall aver that the 2nd Respondent by himself and through his agents did distribute money at Sikongo and new apostolic polling stations.
18. That I deny the contents of paragraph 20 and aver that the Petitioners agents did raised objections in the prescribed form but the request for a recount of votes was opposed.
19. That the averments in paragraph 21 of the Affidavit Verifying Facts are not in dispute save to add that the follow up letter was made after the objections and subsequent appeals were made in the prescribed form.
20. That the contents of paragraph 22 and 23 of the Affidavit in Opposition are in disputed and I repeat the averments in support.
21. That I deny the contents of paragraph 24 of the Affidavit in Opposition in so far as the averments relate to the fact that the action had no consequence on the outcome and shall aver that the actions at the totalling centre was in furtherance to the vote buying that was done at the polling stations and also prior to elections.
22. That I deny the contents of paragraph 25 of the Affidavit in Opposition and aver that only duly authorised agents are allowed into the totalling centre and storming

the totalling centre speaks to the unfair conduct of the elections and the hostile environment created by the 2nd Respondent.

23. That I deny the contents of paragraph 25 of the Affidavit in Opposition and aver that neither I nor my supporters or agents instigated violence.
24. That I deny the contents of paragraph 26 of the Affidavit in Opposition and aver that the Gen 20b form exhibited was prepared and issued by the 1st Respondent and it is the 2nd Respondent who has produced a wrong gen 20b form that was clearly manufactured and only signed by his agents.
25. That I deny the contents of paragraph 26 of the Affidavit in Opposition and retort the averments in paragraph 37, 38 and 39 of the Affidavit in Support.
26. 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 14 day of Sept 2026)

DEPONENT

BEFORE ME: _____

COMMISSIONER FOR OATHS

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

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**

REPUBLIC OF ZAMBIA HIGH COURT OF ZAMBIA 14 SEP 2026 PRINCIPAL REGISTRY P.O. BOX 50067, LUSAKA

CERTIFICATE OF EXHIBITS

These are the exhibits marked **"NM 1"** referred to in the 1st Respondent's Affidavit in Reply to Affidavit in Opposition deposed by one **NEVERS MUCHINDU** filed herein.

Dated at Lusaka this 14 day of Sept 2026

BEFORE ME: _____

COMMISSIONER FOR OATHS

REPUBLIC OF ZAMBIA HIGH COURT OF ZAMBIA 14 SEP 2026 COMMISSIONER FOR OATHS 1 P.O. BOX 50067, LUSAKA