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

2026/HP/EP/028

09 SEP 2026
PRINCIPAL REGISTRY

IN THE MATTER: ARTICLE 1 (2), (3), 8 (c), (d), (e) AND 9(1) (b) OF THE CONSTITUTIONAL 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

2ND RESPONDENT'S ANSWER TO PETITION

The above mentioned 2nd Respondent's Answer to the Petitioner's Petition is set out in numbered Paragraphs hereunder as follows:

1. The contents of Paragraph 1 are within the peculiar knowledge of the Petitioner and the 2nd Respondent makes no comment in that regards.

2. The contents of Paragraphs 2, 3 4 (a), (b) and (c) respectively are admitted.

3. The contents of Paragraph 4 (d) of the Petition are completely denied and disputed in that as opposed to the contents therein contained the 2nd Respondent never perpetrated any violent attacks at his instance or instigation as alleged or at all and the Petitioner will be out to strict proof at the hearing of the action herein.

4. The contents of Paragraph 4 (e) are false and misleading in that as opposed to the contents therein, neither the Petitioner nor the 2nd Respondent's alleged agents attacked the Petitioner or at all but that in fact it is the Petitioner and the Petitioner's violent agents/ supporters who gruesomely attacked the 2nd Respondent and the 2nd Respondent's supporters and further damaged the 2nd Respondent's Motor Vehicle and the 2nd Respondent will at the trial of the action herein use and refer to the video footage of the said unprovoked gruesome attack on the part of the Petitioner and the Petitioner's supporters to that effect.

5. The 2nd Respondent wholly denies and disputes the entire contents of Paragraph 4 (f) and (g) respectively and shall at the trial of the action herein aver that contrary to the allegations thereon contained, following the unprovoked and gruesome attack on the 2nd Respondent and the 2nd Respondent's reported the incident to the Zambia Police Service and the 2nd Respondent and the 2nd Respondent's supporters were duly issued with Medical Reports and Polce Reports to that effect and the 2nd Respondent shall at the trial of the action herein use and refer to the said Medical Reports and Police Reports respectively to that effect.

6. Further to the contents of Paragraph 5 above, the 2nd Respondent's supporter one Jethro Mandeva was violently attacked and assaulted by the Petitioner and the Petitioner's supporters and the 2nd Respondent shall at the trial of the action rely on video footage to that effect.

7. The contents of Paragraph 4 (i) and (j) are wholly denied and disputed and the 2nd Respondent shall at the trial of the action herein aver that in contradiction to the Petitioner's allegations therein contained, the 1st Respondent did not at any material time summon the 2nd Respondent or at all to allegedly appear before the alleged Election Conflict Management Committee and the 2nd Respondent shall put the Petitioner to strict proof thereof.

8. The contents of Paragraph 4 (k) are false and misleading in that as opposed to the contents therein, the 2nd Respondent during the entire campaign period used campaign material that was branded in the 2nd Respondent's own colours and branding style that was completely different from the United Party for National Development (UPND) colour scheme and the 2nd Respondent shall at the trial of the action use and rely on the 2nd Respondent's official campaign material(s) to that effect.

9. The contents of Paragraphs 4 (l) and (m) respectively are completely false and misleading in that contrary to the contents thereon contained, the 2nd Respondent did not during the entire campaign period distribute United Party for National Development (UPND) branded campaign material or at all and the Petitioner shall be put to strict proof thereof.

10. The contents of Paragraph 4 (m) are admitted to the extent only that the Petitioner made a complaint to the Election Conflict Management Committee but that the said complaint was at the very outset of the commencement of the campaign period that that following guidance from the said Election Conflict Management Committee, the 2nd Respondent solely used campaign materials that were all branded in the 2nd Respondent's own colour scheme and the 2nd Respondent shall at the trial of the action herein use and rely on various video footages at various campaign rallies showing the 2nd Respondent and the 2nd Respondent supporters in ordinary clothing.

11. The 2nd Respondent vehemently denies and disputes the entire contents of Paragraph 4 (a) of the Petition and shall say that in contradiction to the contents therein, the 2nd Respondent did not at any material time during the campaign state that the 2nd Respondent was allegedly sent by the President of the Republic of Zambia or at all and the Petitioner shall at the trial of the action herein be put to strict proof thereof.

12. The contents of Paragraph 4 (p) are completely false and misleading and the 2nd Respondent shall aver that contrary to the allegations therein contained, the Petitioner and the Petitioner's supporters are in fact the ones that perpetrated the alleged acts contained therein and even fired three (3) gunshots at the 2nd Respondent and the 2nd Respondent's entourage and the 2nd Respondent duly reported the said incidence to the Zambia Police Service. Furthermore, the Petitioner and his supporters, namely, Norman Naluba an aspiring councilor, Suzyo Mboozi, a Party Chairman and Sheleni Chipule the District Youth Chairperson respectively ambushed the 2nd Respondent at the 2nd Respondent's residence/ camp house.

13. The contents of Paragraph 4(q) are strongly denied and disputed and the 2nd Respondent shall state that as opposed to the contents therein, the 2nd Respondent either by himself or his supporters or agent did not at any material time or at all distribute any alleged monies to voters or at all and the Petitioner shall be out to strict proof thereof.

14. The 2nd Respondent strongly denies and disputes the contents of Paragraph 4 (r) and shall aver that in contradiction to the contents therein, the 2nd Respondent did not on election day distribute any monies to the voters or at all and the Petitioner shall be put to strict proof thereof.

15. The 2nd Respondent completes refutes the contents of Paragraph 4 (s) and shall aver that contrary to the allegations thereon contained, the 1st Respondent only allowed the 2nd Respondent to have the approved number of Agents and further that the 1st Respondent did not block any of the Petitioner's Agents or at all and the Petitioner shall be out to strict proof thereof.

16. The contents of Paragraph 4 (t) are completely fabricated in that contrary to the contents therein contained, following the 2nd Respondent receiving reports of electoral failures at Sikongo Poling Centre, the 2nd Respondent visited the said Poling Centre with a view to establishing the facts and that upon reaching at the said Poling Station, the 2nd Respondent was allowed by officers of the 1st Respondent to get a first hand view of the alleged failures and that whilst the 2nd Respondent was at the said Poling Station, voting was never disrupted in any way and went on smoothly without alerting any voters or at all.

17. The contents of Paragraph 4 (u) (i) to (x) and (v) respectively are completely false and misleading in that in contradiction to the allegations thereon contained, there were no objections raised at the time of counting of votes and that the counting proceeded smoothly and further that any objections produced and/or provided by the Petitioner have been merely manufactured/ fabricated by the Petitioner for purposes of the action herein as duly confirmed by the fact that the 2nd Respondent and the 2nd Respondent's Agents were never furnished with any objections or at all and the 2nd Respondent has only seen the same for the first time before the Honourable Court.

18. The 2nd Respondent totally denies and disputes the contents of Paragraph 4 (w) and shall state that as opposed to the contents therein contained, there was no miscounting and mismanagement of the elections or at all and the Petitioner shall be put to strict proof thereof and further that the Petitioner was never prejudiced on account of any alleged votes that were allegedly not tabulated or at all and the Petitioner shall also be put to strict proof in this regards.

19. The contents of Paragraph 4 (x) are completely denied and disputed and the 2nd Respondent shall say that in contradiction to the allegations therein contained, the 2nd Respondent did not at any material time or at all transport any voters to any totaling centre where the said voters were allegedly issued with money or at all and the Petitioner shall be put to strict proof thereof.

20. The contents of Paragraph 4 (y) are denied and disputed and the 2nd Respondent shall aver that contrary to the allegations therein contained, the 2nd Respondent whether by himself or by his agents or supporters never perpetrated any violence/ intimidation as alleged or at all but that all the violence and intimidation perpetrated throughout the campaign period was in fact at the instance and instigation of the Petitioner and the Petitioner's agents and supporters collectively.

21. The 2nd Respondent disputes that the 2nd Respondent contravened any provision of the law or at all and the Petitioner shall be put to strict proof thereof.

22. The 2nd Respondent denies and disputes the contents of Paragraph 4 (aa) (i) and (iii) respectively to the alleged effect that the 1st Respondent contravened the alleged provisions of the law or at all in that as opposed to the contents therein contained, the 1st Respondent discharged its duties well in the management of the subject election.

23. The 2nd Respondent wholly denies and disputes the contents of Paragraph 4 (aa) (ii) and shall say that in contradiction to the allegations therein contained, the 2nd Respondent never contravened any provision of the law as the 2nd Respondent did not at any material time or at all mislead any voters to the alleged effect that the 2nd Respondent told voters that the 2nd Respondent was a UPND candidate or at all and that the Petitioner shall be put to strict proof thereof.

24. The Petitioner is not entitled to any of the alleged reliefs sought or at all.

Dated at Lusaka this ---------- day of ---------- 2026

THE 2ND RESPONDENT

Per: Messrs TMB Advocates

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REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
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P.O. Box 50067, LUSAKA.

2ND RESPONDENT'S LIST OF AUTHORITIES AND SKELETON ARGUMENTS

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1. List of Authorities

(i) The Electoral Commission of Zambia Act No. 25 of 2016;
(ii) The Schedule to the Electoral Process Act No. 35 of 2016;
(iii) The Electoral (Code of Conduct) Regulations 2011 Statutory Instrument No. 52 of 2011;
(iv) Abuid Kawangu vs. Elijah Muchima Appeal No. 8 of 2017;

(v) Nkandu Luo & the Electoral Commission of Zambia vs. Doreen Sefuke Mwamba & Attorney General – Selected Judgment No. 51 of 2018;
(vi) Austin Liato vs Sitwala Sitwala – Selected Judgment No. 23 of 2018;
(vii) Akashambatwa Mbikusita Lewanika & Others vs. Fredrick Jacob Titus Chiluba (1998) Z.R 79;
(viii) Stephen Masumba vs. Elliot Kamondo Selected Judgment No. 53 of 2017;
(ix) Michael Mabenga vs. Sikota Wina ;
(x) Consolidated Copper Mine Investments Holdings PLC vs. Woodgate Holdings Limited (2011)ZR Vol. 3 110;
(xi) Mukuleka vs. The People Appeal No.146 of 2011 (2012)ZMSC 8;
(xii) Chrispin Siingwa vs. Stanley Kakubo, CCZ Appeal No. 7 of 2017;
(xiii) Halsbury's Laws of England, 4th Edition, Volume 15;
(xiv) Halsbury's Laws of England, 4th Edition Re-issue, Volume 15;
(xv) Mubika Mubika vs. Poniso Njeulu Appeal No. 114 of 2017;
(xvi) Kufuka Kufuka vs. Mundia Ndalamei Appeal No. 15 of 2016 (2016/CC/AO22);
(xvii) Reuben Mtolo Phiri vs. Lameck Mangani SCZ Judgment No. 2 of 2013;
(xviii) Subramanian v The Public Protector 1 WLR 965 (1956); (xix)

2. Skeleton Arguments

May it please this Honourable Court; the 2nd Respondent begs to submit his Written Submissions and Skeleton Arguments in Support of his defense to the Petitioner's purported Petition.

My Lady, the Petitioner filed the purported petition together with the Affidavit Verifying facts both dated the 28th August, 2026 on the Court Record.

3. The Petitioners' Evidence

The Petitioner has at this stage provided purported evidence vide the said Affidavit Verifying Facts.

4. 2nd Respondent's Evidence

The 2nd Respondent has filed herewith his two Answers to the Petition and Affidavit in Opposition to Affidavit Verifying Facts on the Court Record.

5. The Law

It is trite law that the burden of proof rests on he who alleges, equally in an election petition that burden does not shift from the Petitioner and the standard of proof is of a fairly high degree than in a normal civil case. The threshold contained in the **Electoral Process Act, No. 35 of 2016** for nullification of elections by the courts is clear and must be satisfied on the basis of credible and cogent evidence which a petitioner must prove to a fairly high degree of convincing clarity. In this regard, the Constitutional Court held in the case of **Abuid Kawangu vs. Elijah Muchima Appeal No. 8 of 2017**, that:

> *"We agree with the Respondents' submission that the burden lay on the Appellant as Petitioner in the Court below to prove the allegations made in his petition against the Respondent. This is because the one alleging ... carries the burden of proving all the allegations to the required standard with cogent evidence otherwise no judgment will be entered in his favour."*

The law relating to the presentation of an election petition and nullification thereof is contained in **Section 97 of the Electoral Process Act, No. 35 of 2016**. The said provision thus enacts:

"97. *(1) An election of a candidate as a Member of Parliament, mayor, council chairperson or councillor shall not be questioned except by an election petition presented under this Part.*

(2) 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 noncompliance 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*

(c) *the candidate was at the time of the election a person not qualified or a person disqualified for election.*

(3) *Despite the provisions of subsection (2), where, upon the trial of an election petition, the High Court or a tribunal finds that a corrupt practice or illegal practice has been committed by, or with the knowledge and consent or approval of, any agent of the candidate whose election is the subject of such election petition, and the High Court or a tribunal further finds that such candidate has proved that—*

(a) *a corrupt practice or illegal practice was not committed by the candidate personally or by that candidate's election agent, or with the knowledge and consent or approval of such candidate or that candidate's election agent;*

(b) *such candidate and that candidate's election agent took all reasonable means to prevent the commission of a corrupt practice or illegal practice at the election; and*

(c) *in all other respects the election was free from any corrupt practice or illegal practice on the part of the candidate or that candidate's election agent;*

the High Court or a tribunal shall not, by reason only of such corrupt practice or illegal practice, declare that election of the candidate void.

(4) 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."

In applying the foregoing provision as highlighted in bold and italics, the

Constitutional Court in the case of **Nkandu Luo & the Electoral Commission of Zambia vs. Doreen Sefuke Mwamba & Attorney General – Selected Judgment No. 51 of 2018,** the Court held that:

"In order for a Petitioner to successfully have an election annulled pursuant to section 97 (2) (a), there is a threshold surmount. The first requirement is for the petitioner to prove to the satisfaction of the court, that the person whose election is challenged personally or through his duly appointed election or polling agents, committed a corrupt practice or illegal practice or other misconduct in connection with the election; or that such malpractice was committed with the knowledge and consent or approval of the candidate or his or her election or polling agents. Section 81 to 95 in Part VIII of the Act and also the relevant provisions of the Electoral Code of Conduct outline the corrupt or illegal practices or misconduct in the electoral process.

In addition to proving the electoral malpractice or misconduct alleged, the petitioner has the further task of adducing cogent evidence that the electoral malpractice or misconduct was so widespread that it swayed or may have swayed the majority of the electorate from electing the candidate of their choice."

Further, in the case of **Austin Liato vs Sitwala Sitwala – Selected Judgment No. 23 of 2018**, the Constitutional Court held that:

"It is not sufficient for a petitioner to prove only 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 prevented or may have prevented the majority of the voters in the Constituency, district, or ward from electing a candidate of their choice."

The Electoral Process Act, No. 35 of 2016 in Section 2 further defines an "Election Agent" as stated below:

"election agent" means a person appointed as an agent of a candidate for the purpose of an election and who is specified in the candidate's nomination paper;

The Supreme Court had an occasion to consider when a candidate could be held liable for the actions of their 'election agents' in the matter of **Akashambatwa Mbikusita Lewanika & Others vs. Fredrick Jacob Titus Chiluba (1998) Z.R 79** where it thus held the following:

"... a candidate is only answerable for those things which he has done or which are done by his election agent or with his consent. In this regard, we note that not everyone in ones' political party is one's election agent since ... an election agent has to be specifically so appointed."

In the case of **Stephen Masumba vs. Elliot Kamondo Selected Judgment No. 53 of 2017,** with regards to character assassination the court held that:

> "witnesses from a litigants' own political party are partisan witnesses whose evidence should be treated with caution and require corroboration in order to eliminate the danger of exaggeration and falsehood."

In the case of **Michael Mabenga vs. Sikota Wina** it was held thus:

> *"An election petition like any other civil claim depends on the pleadings and the burden of proof is on the challenger to that election to prove to a standard higher than on a mere balance of probability."*

From the authorities cited above, it is evident that in order for the Petitioner to succeed in his Petition, he must prove with a fairly high degree of convincing clarity:

a) That a corrupt practice or illegal act or other misconduct was committed in connection with the election;
b) That the act complained of was committed by the Respondent or by his polling agent or election agent with the Respondents' knowledge, consent or approval;
c) That as a consequence of the illegal act or misconduct committed, the majority of voters in the district/constituency or ward were or may have been prevented from electing their preferred candidate.

In the case of **Zambia Consolidated Copper Mine Investments Holdings PLC vs. Woodgate Holdings Limited** it was held as follows:

> *"where a Plaintiff makes any allegations, it is generally for him to prove those allegations. A Plaintiff who fails to prove his case cannot be entitled to judgment, whatever maybe said of the opponents' case. A Plaintiff cannot automatically succeed whenever a defence fails; he must prove his case. The evidence adduced must establish the issues raised to a fairly high degree of convincing clarity."*

The Supreme Court in the case of **Mukuleka vs. The People** cited with approval the position espoused in the case of **Simon Malambo Choka vs. The People** that:

> *"A witness with a possible interest of his own to serve should be treated as if he were an accomplice to the extent that his evidence requires corroboration or something more than a belief in the truth thereof based simply on his demeanour and the plausibility of his evidence. That something more must satisfy the court that the danger that the accused is falsely implicated has been excluded and that it is safe to rely on the evidence of the suspect witness."*

Similarly the Constitutional Court held in the case of **Chrispin Siingwa vs. Stanley Kakubo** the Court held that

> *"the Regulation 55(1) of the Electoral Process (General) Regulations is clear in its provisions and requires that an election agent must be specifically appointed and named in the candidates' nomination paper."*

In **Abuid Kawangu vs. Elijah Muchima Appeal No. 8 of 2017**, the Constitutional Court held the following:

> *"the evidence has to show that the majority of voters were or may have been prevented from electing the candidate whom they preferred as a result of a proven proscribed act."*

Halsbury's Laws of England, 4th Edition, Volume 15 states that:

> *"... a clear and unequivocal proof is required before a case of bribery will be held to have been established. Suspicion is not sufficient, and the confession of the person alleged to have been bribed is not conclusive."*

Therefore, that in the absence of satisfactory proof of any one corrupt or illegal practice or misconduct, the election cannot be nullified. Further, that when the standard of proof is applied, it is clear that the Petitioners' did not prove the allegations of corruption and bribery to the required standard of a fairly high degree of convincing clarity.

Halsbury's Laws of England, 4th Edition Re-issue, Volume 15 at page 689 states thus:

"the distribution of genuine charitable gifts to voters has always been allowed. If a gift is charitable, it will not become bribery because of the use made out of the gift, it is not possible any subsequent act to make that which was legal at the time illegal and criminal."

In the case of **Mubika Mubika vs. Poniso Njeulu**, the Constitutional Court held that:

> *"The provision for declaring an election of a Member of Parliament void is only if whatever activity is complained of, it is proved satisfactorily that as a result of the wrongful conduct, the majority of voters in a constituency were, or, might have been prevented from electing a candidate of their choice. It is clear that when facts alleging misconduct are proved and fall into the prohibited category of conduct, it must be shown that the prohibited was widespread in the constituency to the level were registered voters in greater numbers were influenced so as to change their selection of a candidate for that particular election in that constituency; only then can it be said that a greater number of registered voters were prevented or might have been prevented from electing their preferred candidate."*

It was decided in the case of **Kufuka Kufuka vs. Mundia Ndalamei Appeal No. 15 of 2016 (2016/CC/AO22) At pages 30 and 31 of the Judgment**, the Court held the following with regard to the argument that on the basis of the **Joseph Mlewa vs. Eric Wightman** case, the proof of one act of bribery should result in the nullification of the election.

> *"This argument is flawed and has no basis in light of the provisions of section 97 (2) (a) of the Act which provide that the corrupt or illegal practice or other misconduct upon which an election can be nullified or voided has been restricted to two instances, namely, where the same has been committed by either the candidate or another person with the candidates' knowledge and consent or approval or that of his election agent or polling agents. The issue of a candidate committing an act or misconduct needs no elaboration. In terms of another person having committed an act or misconduct, it is no longer enough that someone, even from the candidates' party, committed a corrupt or illegal act or practice or misconduct, it must be shown that the act in issue was committed with the knowledge and consent or approval of the candidate or his election agent or polling agent.*

Once the first aspect of committing a corrupt practice, illegal practice or misconduct by the candidate or another person with the candidates' knowledge and consent or approval or that of his agents is shown with convincing clarity, the further requirement is that it should also be that the majority of voters were or may have been prevented from electing a candidate of their choice. It is only when these two aspects are fully satisfied that an allegation can be taken as proved so long as the required standard of proof is met.

We wish to stress that proof of one corrupt or illegal practice or misconduct by the candidate is generally enough to nullify an election only if that one act is also proved to have been so widespread or that it affected the majority of the electorate. It is to this extent only, that the case of Joseph Mlewa vs. Eric Wightman is distinguishable from the current provisions of section 97 (2) (a) of the Act." (emphasis ours)

My Lord, we wish to submit that the material before the Honourable Court thus far as contained in the Petition and Affidavit verifying Facts is miserably insufficient. This Honourable Court will be guided by the case of **Subramanian vs The Public Protector** wherein it was stated:

"Evidence of a statement made to a witness by (another) person...may or may not be hearsay. It is hearsay and inadmissible when the object of the evidence is to establish the truth of what is contained in the statement. It is not hearsay and admissible when it is purposed to establish by the evidence, not the truth of the statement but the fact that it was made."

We submit that by the very fact that the Petitioner has thus far failed to prove any of his allegations and claims, his entire claim should fall of and this Honourable Court is bound to have this entire claim dismissed for lack of merit. Even if the court was to find that Petitioner has proved his allegations, it must be proved that the majority of the voters were prevented or may have been prevented from electing the candidate of their choice. The Petitioner has not thus far lead any evidence to show that the majority of the voters were prevented or may have been prevented from electing a candidate of their choice. My Lady, we submit that it is not enough to simply state that the voters in Chirundu Constituency were prevented from voting or electing their preferred candidate without of this fact. The net effect is that based on the foregoing, the Petitioner's evidence thus far does not meet the applicable threshold to persuade the court that the alleged electoral malpractices allegedly

perpetrated by the 2nd Respondent or/and his agents and that the same were so widespread so as to influence the majority of the voters to not vote for their preferred candidate.

We submit that it is, therefore, the duty of the Petitioner to present evidence which is highly clear and convincing. This cannot only be achieved by the number of witnesses called but by the quality of the evidence. In the case of **Davies Chisopa v Sydney Chisenga Appeal No. 179 of 2012** the Supreme Court stated at page J21 that:

> *"It is not the number of witnesses that prove an allegation but the substance of the witnesses."*

My Lady, In this regard it matters less that the Petitioner has 15 witnesses, himself included as the evidence before court is not sufficient to satisfy the court of the burden incumbent on the Petitioner.

We further submit and pray that the Petition be dismissed with costs to by the Petitioner.

We beg to submit.

Dated at Lusaka this ----------day of ----------2026

Per: Messrs TMB Advocates

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