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

2026/HP/EP/028

IN THE MATTER OF: ARTICLE 1(2), (3). AND 8(c), (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, AS READ TOTHER 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 — PETITION

AND

ELECTORAL COMMISSION OF ZAMBIA — 1ST RESPONDENT

JAMES K. MWAJA — 2ND RESPONDENT

REPUBLIC OF ZAMBIA
07 SEP 2026
PRINCIPAL REGISTRY 4
P.O. BOX 50067, LUSAKA

1ST RESPONDENT'S AFFIDAVIT IN OPPOSITION

I, BENSON BWENJE, of Chirundu, Mandenga Village, of Chirundu District of the Southern Province of the Republic of Zambia do hereby makes OATH and SAYS as follows:

1. That my particulars are as stated above.
2. That I am a Zambian National.
3. That I am the District Election Officer in charge of Chirundu District and in extent Chirundu Constituency and therefore, competent to depose to this my Affidavit from facts within my personal knowledge and from facts obtained by virtue of my position.
4. That I have read the Affidavit in support of Petition sworn by one Nevers Muchindu and wish to respond as follows.

5. That there is no contention with contents in paragraphs 2-4 of the Affidavit in support.
6. That the elections were conducted free and fair and the 2nd Respondent was declared as the duly elected Member of Parliament for Chirundu. There is now produced and shown to me marked "**BB1**" a true copy of the Gen 20.
7. That the 1st Respondent proffers no comment on paragraphs 5-24 of the Affidavit in support as the same are within the peculiar knowledge of the Petitioner.
8. That the objections done at the said polling stations were attended to but there was nothing to warrant a any recount.
9. That there was no miscounting and mismanagement of the elections and therefore no inaccurate counting was done.
10. That the 2nd Respondent was the duly elected Member of Parliament for Chirundu constituency.
11. That I am advised by the Advocates for the 1st Respondent and verily believe the same to be true that the there was no violation of the provisions of the law.
12. That this is a proper and fit case to dismiss the Petitioner's Petition.
13. That I depose to the facts above verily believing the same to be true and correct to the best of knowledge and belief.

SWORN by the said BENSON)
BWENJE at Lusaka this 7)
Day of Sept 2026)

DEPONENT'S SIGNATURE

COMMISSIONER FOR OATHS

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

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CERTIFICATE OF EXHIBITS

These are the exhibits referred to in the Affidavit of one BRIAN BWENGWE marked as "BB1"

Dated the 7 day of Sept 2026

COMMISSIONER FOR OATHS

REPUBLIC OF ZAMBIA HIGH COURT OF ZAMBIA 07 SEP 2026 COMMISSIONER FOR OATHS 1 P.O. BOX 50067, LUSAKA