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

2026/HP/EP/028

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

AFFIDAVIT IN OPPOSTION TO AFFIDAVIT VERYFYING FACTS

I, JAMES K. MWANJA, a Zambian national of Housde No. D18, Twin Palms Road, Kabulonga in the City and Province of Lusaka of the Republic of Zambia DI HEREBY MAKE OATH and SAY as follows:

1. THAT my full name, nationality and residential address are as above.

2. THAT I am the 2nd Respondent herein and take out this my Affidavit from facts acquired by me in my capacity aforesaid and I am duly authorized so to do.

3. THAT I have read what purports to be the Petitioner's Affidavit Verifying Facts of one NEVERS MUCHINDU dated the 28th August, 2026 and respond thereto as follows:

4. THAT the contents of Paragraphs 3 and 4 are admitted to the extent only that the Petitioner was a candidate for the Chirundu Constituency Parliamentary seat under the United Party for National Development (UPND) and further that I did during the Election secure 12, 721 whilst the Petitioner secured 11, 698 but that the alleged Declaration of Results of the Poll GEN 20b Exhibit "NM1" is false and has been fabricated by the Petitioner in that it is not the actual Declaration of Results of the Poll GEN 20b duly filled in by the officers, agents or servants of the 1st Respondent following the said Election and witnessed by all the relevant parties as strictly required. A copy of the genuine and legitimate true copy of the Declaration of Results Poll GEN 20b is now produced and shown to me marked "JKM1" to that effect.

5. THAT the contents of Paragraph 5 are completely false and misleading in that as opposed to the contents therein, the subject Election was free and fair and conducted within the strict confines of the law and that the violence, threats of violence and intimidation were all at the instance and instigation of the Petitioner and not by myself or at all. Furthermore, contrary to the allegations therein contained, I never perpetrated any acts of plagiarism, deception, vote buying and voter manipulation as alleged or at all.

6. THAT the contents of Paragraph 6 are also completely false and misleading in that contrary to the allegations therein contained, the Petitioner and his supporters were never subjected to any violent attacks and intimidation on my part and my agents as alleged or at all but that the said violet attacks and intimidation were in fact wholly perpetrated by the Petitioner and his supporters/ agents against myself and my supporters at numerous occasions during the campaign period. Copies of the photographs showing the assault occasioned to myself and the malicious damage to a Motor Vehicle are now produced and shown to me collectively marked "JKM2" to that effect.

7. THAT I vehemently deny and dispute the contents of Paragraph 7 of the Affidavit under reply in that in contradiction to the contents therein contained, the incident of the 14th July, 2026 at the Shoprite location was in fact an ambush perpetrated at the instance and instigation of the Petitioner and his supporters at which the Petitioner and his supporters openly assaulted my supporters and further damaged my campaign materials.

8. THAT I also vehemently deny and dispute the contents of Paragraph 8 in that contrary to the allegations thereon contained, the Petitioner's supporters openly ruthlessly assaulted the said Jethro Mandeva in full view of the Zambia Police Officers as per video footage recording to that effect and that any alleged reporting of the said Jethro Mandeva to the Zambia Police Service under APPB 1265/2026 was merely a cover up of the criminal ruthless assault occasioned to the said Jethro Mandeva by the Petitioner and his supporters respectively.

9. THAT the contents of Paragraphs 9, 10 and 11 respectively are denied and disputed in that I and my supporters never perpetrated any alleged assault against the Petitioner and malicious damage to property or at all as duly confirmed by the fact that despite the Petitioner alleging that the said acts were allegedly perpetrated in July, 2026, neither I nor my supporters were ever summoned to the Zambia Police Service for any of the alleged subject offences or at all and that the Petitioner is merely manufacturing/ fabricating issues for purposes of the action herein as a bitter and angry loser of the subject Elections.

10. THAT the various ruthless assaults wholly perpetrated by the Petitioner were duly reported by myself and others to the Zambia Police Service and Medical Reports were duly issued in that regard by the Zambia Police Service as per copies of the Medical Reports now produced and collectively marked "JKM3" to that effect.

11. THAT the contents of Paragraphs 12, 13 and 14 respectively are false and misleading in that as opposed to the contents therein contained, neither I nor my supporters perpetrated any alleged violent attacks on the alleged 17th July, 2026 or at all as duly confirmed by the fact that neither I nor my supporters were ever summoned by the Zambia Police Service in respect of the alleged violent attacks or at all despite the Petitioner alleging that the Petitioner allegedly reported the said incident to the Zambia Police Service and that the Petitioner is merely manufacturing/ fabricating issues for purposes of the action herein as a bitter and angry loser of the subject Elections.

12. THAT the contents of Paragraph 15 are wholly denied and disputed for being false and misleading in that contrary to the allegations therein contained, initially at the outset of the campaign period the Petitioner lodged a purported complaint to the 1st Respondent to the alleged effect that I was using alleged UPND branded campaign material and that following a District Election Conflict Management Committee Meeting, it was resolved that I must not use any campaign material containing the colour red and that pursuant to the said resolution, the campaign material that used during the entire campaign period was branded in another colour. Copies of the Mediation Agreement Form of the said District Election Conflict Management Committee Meeting dated the 23rd May, 2026 and campaign material branding are now produced and shown to me marked "JKM4" and "JNK5" respectively to that effect.

13. THAT the contents of Paragraph 16 are false and misleading as I never distributed any misleading campaign UPND branded material or at all.

14. THAT the contents of Paragraphs 17, 18 and 19 respectively are false and misleading in that no complaint was ever made against myself for allegedly distributing UPND branded materials or at all and the Petitioner will be put to strict proof thereof.

15. THAT I deny and dispute the contents of Paragraph 20 to the alleged effect that I allegedly misled voters into believing that I was allegedly sent by the president of the

UPND in that as opposed to the said allegations I never at any material time or at all campaigned to the electorate on that basis or at all.

16. THAT the contents of Paragraph 21 are completely false and misleading in 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 I 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.

17. THAT I strongly deny and dispute the contents of Paragraph 22 are completely false in that in contradiction to the contents therein, the 2nd Respondent did not on the 12th August, 2026 distribute any monies to the voters or at all and the Petitioner shall be put to strict proof thereof.

18. THAT the contents of Paragraph 23 are completely fabricated in that contrary to the contents therein contained, following I receiving reports of electoral failures at Sikongo Poling Centre, I visited the said Poling Centre with a view to establishing the facts and that upon reaching at the said Poling Station, I was allowed by officers of the 1st Respondent to get a first hand view of the alleged failures and that whilst I was at the said Poling Station, voting was never disrupted in any way and went on smoothly without alerting any voters or at all.

19. THAT I dispute the contents of Paragraph 24 which are completely false in that in contradiction to the contents therein, I did not on the 13th August, 2026, the voting day, distribute any monies to the voters or at all and the Petitioner shall be put to strict proof thereof.

20. THAT the contents of Paragraphs 25, 26, 27 and 29 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 I and my Agents were never furnished with any objections or at all and I have only seen the same for the first time before the Honourable Court.

21. THAT the contents of Paragraph 28 are within the peculiar knowledge of the Petitioner and that the letter to the 1st Respondent does not nullify the my election as Member of Parliament for Chirundu or at all.

22. THAT the contents of Paragraphs 30 and 31 are totally denied and disputed in that as opposed to the contents therein contained, there was no miscounting and mismanagement of the elections or at all and that the results announced are a true and accurate reflection of

the votes cast and further that 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.

23. THAT the contents of Paragraph 32 are false and that the counting of the votes was accurately and regularly done in the presence of all the parties' representatives as required by law and no objection was ever raised during the counting or at all by any of the parties.

24. THAT the contents of Paragraph 33 are completely denied and disputed in that in contradiction to the allegations therein contained, I 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 and further that further or alternatively that, even assuming tI transported voters on the alleged 14th August, 2026, which is vehemently denied and disputed, the same has no effect or consequence on the election as the alleged transportation of voters was long after the close of Elections and at the Totaling Centre at which no voting was held.

25. THAT the contents of Paragraph 34 are completely false in that as opposed to the contents therein contained, I did not move with a batallion of supporters to the tataling centre or at all and that even assuming that I did, which is vehemently denied and disputed, the alleged address of my supporters had no effect or consequence of the election results outcome as the voting had already been done by the electorate.

25. THAT the contents of Paragraph 35 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.

26. THAT the contents of Paragraph 36 are totally false and misleading in that the Declaration of Results of The Poll GEN 20b provided by the Petitioner is not the legitimate one and the Petitioner has merely provided a fabricated one in that the legitimate Declaration of Results of the Poll GEN 20b was duly signed by the relevant parties as per Exhibit "JNM1" to that effect.

26. THAT I deny and dispute the contents of Paragraphs 37 and, 38 and 39 respectively to the alleged effect that I 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.

27. THAT I depose to the foregoing facts verily believing the same to be true and correct to the best of knowledge information and belief acquired by me in my capacity aforesaid.

SWRON by the said JAMES K. MWANJA]
at Lusaka this 9 Sept day of ---------- 2026]

BEFORE ME:----------
COMMISSIONER FOR OATHS

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

ADVOCATES FOR THE 2ND RESPONDENT

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

2026/HP/EP/028

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

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BETWEEN:

NEVERS MUCHINDU — PETITIONER

AND

ELECTORAL COMMISSION OF ZAMBIA — 1ST RESPONDENT
JAMES K. MWANJA — 2ND RESPONDENT

CERTIFICATE OF EXHIBITS

These are the true copies of the Exhibits marked "JKM1" to JKM5" respectively referred to in the Affidavit of JAMES K. MWANJA sworn before me.

Dated the 9 day of Sept 2026

COMMISSIONER FOR OATHS

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

"JKM7"

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	11,598	Eleven Thousand Five Hundred and Ninety-Eight
MWAPE M Lucky	RP	673	Six Hundred and Seventy-Three

I further declare that a total of 576 ballot papers have been rejected as invalid and that a total of 25,568 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 15 day of August, 2026 Signature: .....

Witnessed by:

Name	Organisation	Signature	Name	Organisation	Signature
Senzeni Ndhlovu	Independent	Ndhlovu			
RUTH MWANJA	Independent	[illegible]			
Timothy Mwanza	Independent	[illegible]			
Mutinta Hamwe	Independent	M. Hamwe			

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.

"JKM 2"

"JKM 2"



11 J KM2 11



"JKM2"





"JKMB" '26

Stocked by QM Stores:

ZP Form 32

Police - Medical Report Form

A. Details of Complainant:

Name (first, middle and last name): Mandeva Jeffrey

Address: Siavonga turn-off area

Sex/Age: M/56yrs | Occupation: Business man | Contact No.: 07707 48306

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

Next of Kin:

Name (first, middle and last name): Edith Shanaile mandeva

Relationship: KIIFC | Contact No.: 0776948122 | Sex/Age: F/41yrs

Address: Siavonga turn-off area

B. Details of Allegation/ Complaint: sustained ~~[illegible]~~ bruises on the lower and upper lips, painful left arm and general body pains in which a cable was alleged to have been used to inflict the injuries.

C. Details of Police Officer:

Name: Mutale Mable

Service No: 49673

Rank: const

Station: Chirundu

Signature: [signature]

Date: 18/04/26

Official Date Stamp: 18/04/26

D. Details of Examiner:

Name: T. MAZOMA

Title/Designation: MEDICAL LICENTIATE

Health Centre/Hospital: MMGH

Signature: [signature]

Date: 18/4/26.

Official Date Stamp:

MPENDERE MISSION GENERAL HOSPITAL
Chirundu
2026
P.O. BOX 50, CHIRUNDU - ZAMBIA
TEL. 0211 515056, FAX: 0211-515007
Email: info@mpendere.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:

E. General Examinations:
Condition and Appearance: KEMPT
Garments: INTACT
Body Injuries: - BRUISES ON (L) ARM WITH SWELLING - SWOLLEN LOWER AND UPPER LIPS
Identification Marks:
F. Ano-Genital Examinations: N/A
Genital Examination: N/A

Anal examination: N/A
G. Investigations:

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

Stocked by QM Stores:

ZP Form 32

I. Findings (clearly Indicate the findings):

- BRUISES AND SWELLING ON (R) ARM
- SWOLLEN UPPER AND LOWER LIPS

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):

FINDINGS CONSISTENT WITH ALLEGATIONS

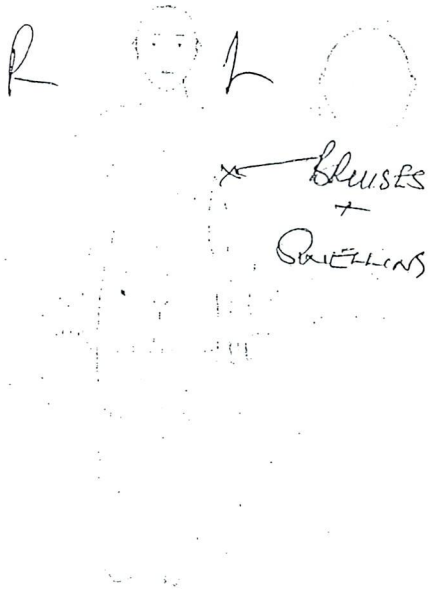
[illegible]

P. MAZIOMA	Official Date Stamp:
Title/Designation: MEDICAL LICENTIATE	MTENDERE MISSION GENERAL HOSPITAL Chirundu
Signature:	20 APR 2026
18/4/26	P.O. BOX 50, CHIRUNDU - ZAMBIA TEL. 0211 515056, FAX: 0211-515007 Email: info@mtendere.org

11 Indicate injuries on the sketches below;

Sketch of person

Anterior View



Posterior View

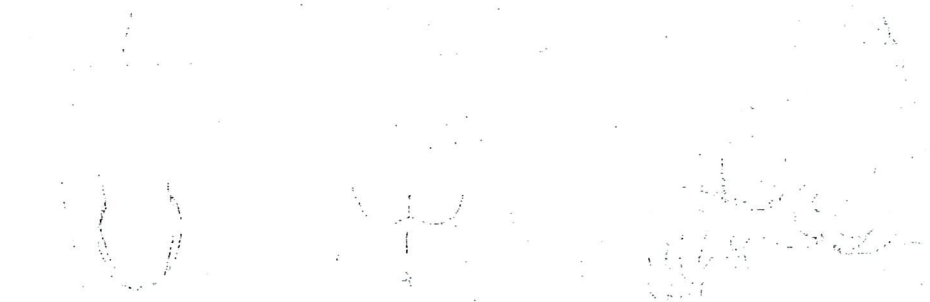


Comments

Female Genitalia



Male Genitalia



"JKM4"

NCMC/ DCMC

No. 01 / 20 26

Electoral Commission of Zambia

CONFLICT MANAGEMENT
Mediation Agreement Form

1. The Parties

ROBERT SINGUWA ..... Complainant

and

JAMES K. MWANJA ..... Respondent

2. Nature of Complaint

On the 23rd May, 2026 all political parties and individuals participating in the forthcoming General / Tripartite Elections were briefed and guided on how to campaign in line with the application and usuage of campaign materials, symbols or slegans. Mr James K Mwanja (independent) group who are wrongly and offensively using the colour (UPND) materials regarding their adverts, going against wrely guides.

3. The Agreement

(a) The Parties hereto have reached the under listed amicable settlement

1. Independent party through James K Nwanja to desist from using the colour red
2. ~~Seven~~ Five days to rebrand the vehicles from today.

Dated the day of 1st JUNE, 2026

For the Complainant(s)

Full Names: SAMUEL A. ROBERT

Signature:

Title: CONST. SECRETARY (OPNSD)

For the Respondent(s)

Full Names: JAMES K. MWANJA

Signature:

Title: CANDIDATE

Witness

Full Names: Collins Halwindi

Signature:

Title: Campaign Manager

Witness

Full Names: JENTRO Mandere

Signature:

Title: AGENT

Clever Pihiri ..... Lead Mediator

(Full Names)

Collins Enaya Kasono ..... Mediator

(Full Names)

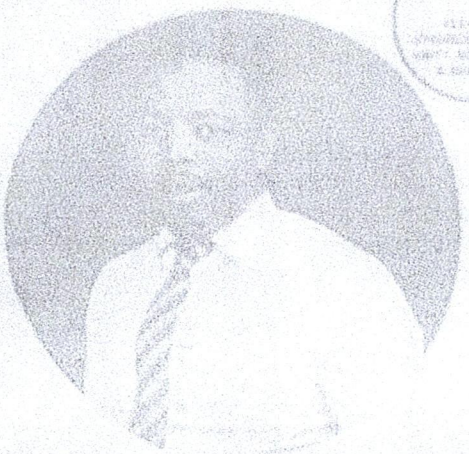
Kennedy Mwamrokita ..... Mediator

(Full Names)

"JK5"



"JK5"



JAMES. K MWANJA
INDEPENDENT MP
CHIRUNDU
CONSTITUENCY