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IN THE HIGH COURT FOR ZAMBIA
AT THE DISTRICT REGISTRY
HOLDEN AT LUSAKA
(CIVIL JURISDICTION)

2026/HP/EP 024

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
28 AUG 2026
PRINCIPAL REGISTRY 3
P.O. BOX 50067, LUSAKA

IN THE MATTER OF: AN ELECTION PETITION RELATING TO THE PARLIAMENATRY ELECTIONS FOR ZAMBEZI EAST CONSTITUENCY IN THE ZAMBEZI DISTRICT OF THE NORTH-WESTERN PROVINCE

AND

IN THE MATTER OF: ARTICLES 45,48,49,54,72 AND 73 OF THE CONSTITUTION OF ZAMBIA, CHAPTER 1 OF THE LAWS OF ZAMBIA, AS AMENDED BY ACT NO.2 OF 2016

AND

IN THE MATTER OF: SECTIONS 29,55,81,82,83,86,89,96,97,98,99, 100,106,107, AND 108 OF THE ELECTORAL PROCESSES ACT NO 35 OF 2016 OF THE LAWS OF ZAMBIA

AND

IN THE MATTER OF: RULE 15(1) (C) OF THE ELECTORAL PROCESS (GENERAL) REGULATIONS 206 OF THE LAWS OF ZAMBIA

BETWEEN:

BRIAN KAMBITA — PETITIONER

AND

JONATHAN MWENDELEMA — 1ST RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

ELECTION PETITION

THE HUMBLE PETITION OF YOUR Petitioner, BRIAN KAMBITA a Zambian National of House No.42, JOSEPH KABWE CRESCENT PHI, BENNIE MWIINGA RESIDENTIAL AREA, Lusaka, in the Lusaka Province of the Republic of Zambia SHOWETH THAT:

9. The particulars of the Petitioner are as stated above.
10. The 1st Respondent is the person who was declared winner of Zambezi East constituency in the elections held on the 13th August, 2026.
11. The declaration was made on the 15th August, 2026.
12. The 2nd Respondent is an election management body constituted by Article 229 of the Constitution of Zambia, and is mandated to implement Zambia's Electoral Process, conduct free and fair elections in an accountable manner as provided in Article 45(1)(2) and 45 (2) (c) of the Constitution, among other functions.

FACTS IN SUPPORT OF PETITION

13. The Petitioner contested as Parliamentary candidate for Zambezi East constituency of the Zambezi district of the Republic of Zambia in 2026 on the United Party for National Development (UPND) ticket.
14. The 1st Respondent stood as an independent candidate and was declared winner on the 15th August,2026.
15. The conduct of the 1st Respondent and his Known Agents before and during the voting day rendered the elections not free and fair on the following grounds;
    a. There was widespread intimidation against the Polling and Election Agents of the Petitioner by Agents of the Respondent who are well known by the people in that constituency.
    b. At Kapidi Primary School polling station, an officer from Electoral Commission of Zambia was attacked right inside the polling station by Agents of Respondent thereby forcing him to flee from his post.
    c. The deputy head teacher, Stephen Kayembe denied the Polling Staff to have access to offices and classrooms on arrival, until a report was made to the Returning Officer.
    d. A teacher at Lunkunyi Primary School named Sharon Fwelu, threatened the polling officers that they should favour the Respondent otherwise no elections would take place at her school.

e. Polling Agents for the Petitioner were also attacked at Dipalata polling station by the Agents of the Respondent, which caused one agent to walk out and take refuge.

f. At Kapidi Primary School polling station there were no security officers and the polling agents for the Petitioner were attacked and chased away by unruly Agents of the Respondent. The polling station was left exposed to rigging in the absence of observers from the other party.

g. At the said Kapidi, the Agents of the Respondent were directing voters, in the lines, on whom to vote.

h. There was massive exchange of money between the Agents of the Respondent and the voters.

i. In most of the polling stations, Agents for the Respondent were asked to sign the GN 20 before the counting was done. An example is at Chizozu polling station where the Agents were coerced to fill in GN 20 form in advance.

j. Due to a fight that erupted at Lunkunyi, voting was temporarily stopped. This caused fear in the electorate especially that the known agents of the Respondent were behind this sage.

k. At Kakeki and Nyakuleg'a polling stations, there was tempering of ballot boxes.

l. At majority of the polling stations, Agents of the Respondent were seen openly dishing out money to voters who were about to enter the voters queues and directing them to vote for the Respondent. When challenged by the Petitioner's election monitors, about the practice, they became violent and some of the Petitioner's Agents were injured.

Now produced and shown to me marked "BK-1"

ALLEGED CONTRAVENTION OF THE LAW

1. By virtue of what is stated from paragraphs 15(a-l) by the Petitioner:

   (a) That there was non-compliance of the law by the 1st Respondent by allowing his Agents to intimidate, beat and threatened by the Agents of the Petitioner and an officer of the Electoral Commission of Zambia breached sections 67(3),83, 89 of the Electoral Process Act no 35. of 2016

   (b) Paying of bribes contravened section 97 of the Electoral Process Act no 35.0f 2016 And section 35 of the Anti-corruption Act no.3 of 2012

(C) There was also non-compliance of the law and regulations on the part of the

(d) Agents for the 1st Respondent when they coerced Agents of the Petitioner to sign GN 20 before the counting of the votes contrary to sections 69 and 70 Electoral Process Act no 35.0f 2016.

(e) Directing voters in lines on who to vote for was in contravention of the Poll Day Regulations, section 87(e) of theElectoral Process Act no 35.0f 2016 and Article 91 of the Constitution of Zambia

(f) Failure to provide Security by the 2nd Respondent breached section 4 of Electoral Process Act no 35.0f 2016

RELIEFS SOUGHT BY THE PETITIONERS

1. A declaration that the elections for Zambezi East constituency of the Zambezi District were null and void or in the alternative,
2. An interim order of scrutiny and a physical RECOUNT of ballot papers,
3. Damages for breach of duty by the 2nd Respondent.
4. Costs
5. Any other relief the court may deem fit

YOUR PETITIONERS WILL FOREVER PRAY.

Dated at Lusaka this.....day of 2026

BRIAN KAMBITA

PER: Messrs. CHIWALA, BONIFACE LEGAL PRACTITIONERS

F32A/G/2/R, OFF ZAMBEZI ROAD,FOXDALE

EMAIL: bonifacechiwala@gmail.com

ADVOCATES FOR THE PETITIONER

TO: JONATHAN MWENDELEMA

NEW KASAMA RESIDENTIAL AREA

LUSAKA

1ST RESPONDENT

THE ELECTORAL COMMISSION OF ZAMBIA

ELECTION HOUSE, HAILE SELASSIE AVENUE

P.O BOX 50274, LUSAKA

2ND RESPONDENT