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Form III

(Rule 9(1))

IN THE HIGH COURT OF ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(CIVIL JURISDICTION)

2026/HP/EP 004

IN THE MATTER OF: ARTICLES 1(2), (3), 73(1)(a) AND 45(2)(a)(b) OF THE CONSTITUTION OF THE REPUBLIC OF ZAMBIA.

IN THE MATTER OF: SECTIONS 81,87,94,96 AND 97(1),2(b) (83) (2),99(a) OF THE ELECTORAL PROCESS ACT No.35 OF 2016.

IN THE MATTER OF: PART VIII OF THE ELECTORAL PROCESS ACT No.35 of 2016

IN THE MATTER OF: ZAMBEZI CENTRAL CONSTITUENCY ELECTIONS HELD ON THE 13TH AUGUST,2026.

IN THE MATTER OF: RULE 9(1) THE HIGH COURT (ELECTIONS PETITION) RULES,2026.

BETWEEN:

DENNIS KAYOMBO MANO — PETITIONER

AND

RAPHAEL KAYOMBO NGIMBU — RESPONDENT

ELECTION PETITION

The Petition of **DENNIS KAYOMBO MANO** whose address of service is plot No. 21, Foxdale, off Zambezi Road, Lusaka of The Lusaka Province of the Republic of Zambia **SHOWETH THAT:**

1. Your Petitioner was a candidate at the election to which this election petition relates and this being Zambezi Central Parliamentary Election.
2. The election was held on the 13th day of August, 2026 and the Petitioner was adopted by the United Party for National Development (UPND).
3. The Petitioner states that in the election referred to in paragraph 2 above, the candidates were two (2) namely; **RAPHAEL KAYOMBO NGIMBU** the 1st Respondent and the Petitioner herein **DENNIS KAYOMBO MANO.**
4. The Zambezi Central Parliamentary elections in issue were held on the 13th day of August,2026 and the Returning Officer declared the following results:

RAPHAEL KAYOMBO NGIMBU	**INDEPENDENT**	**8,336**
DENNIS KAYOMBO MANO	**UPND**	**7,816**

5. On the 15th day of August,2026, the Returning Officer declared the Respondent as the duly elected Member of Parliament for Zambezi Central Constituency.
6. The Respondent was not duly elected.
7. The grounds upon which the Petitioner relies are as follows;
8. The Respondent and his agents engaged in corrupt and illegal practices, during and after elections contrary to part VIII of the Electoral Process Act No. 35 of 2016 and Article 45(2) (a) (b) of Act No. 2 of 2016 in that he was involved in bribery, undue influence, threats, intimidation, violence, conducting campaigns at the polling stations on the voting day in all the wards in the constituency.

i) The Respondent, his election agent Bwalya Chikonde and his Polling agents among others Christopher Kasweka on various occasions prior to and on the day of the elections, threatened voters in all the seven (7) wards and forty six (46) polling stations of Zambezi Central Constituency, distributed monies and made promises to induce and influence them to vote for the Respondent in the election.

ii) The Respondent and his agent and Polling agents paid voters at all polling stations sums of money as an inducement to vote for him.

iii) On the election day, the Respondent and his polling agents were campaigning to voters while the voters were waiting in lines to vote at all polling stations across the Zambezi Constituency.

iv) The Respondent and his polling agents were seen and heard telling voters during the election day to vote for the Respondent which is against The Electoral Process Act.

v) That at Kanyilaba Polling Station, the Respondent, his election agent Bwalya Chikonde and polling agent Mwangala Musiwa harassed the Presiding Officer, Gladys Kavungu through threats, took charge of the polling station and directed the voters to vote for the Respondent, preventing the said Gladys Kavungu from performing her functions as per the Electoral Commission of Zambia's (ECZ's) mandate.

vi) At Zambezi Primary School Polling Station on 13th August,2026 the Respondent's agents namely Bwalya Chikonde and Katolo Lubambe were campaigning by saying "Nyananya"meaning do not tell them **''just vote for the Respondent''.**

9. On or about the 10th of August,2026 an associate or agent of the Respondent Masuwa Kasweka uttered threatening remarks on the Whattapp Group called **'Zambezi Central MP Raphael Ngimbu'** to the effect that offensive weapons should be carried to the polling stations.

10. On 13th August,2026, at Lwampungwa Primary School Polling Station which has over 2800 registered voters, the Respondent's agents' among whom were Chikonde Bwalya, Jordan Mundongo and Christopher Kasweka were giving monies to voters. When confronted, they started throwing stones resulting in many voters running away and therefore they could not vote for a candidate of their choice.

11. At Zambezi Correctional facility polling station, the named agents in paragraph 10 above also distributed monies to voters on the election day.

12. At Kateta and Lwampungwa polling stations among others the said agents for the 1st Respondent distributed food as inducement to voters to vote for the Respondent.

13. I repeat paragraph 8 above and state that many of my supporters failed to vote for fear of their lives in all the seven (7) wards comprising forty-six (46) polling stations. As a result of the violence, those who voted, voted for the Respondent due to intimidation and corruption.

14. At Chitokoloki Polling Station, the Respondent and his agents during voting and counting threw stones at the polling station resulting in the voters running away for their safety and could not vote.

15. The Respondent, his election agent Bwalya Chikonde, Christopher Kasweka his Campaign Manager and Polling agent on the voting day, continued campaigning at polling stations

told voters that, **''voting is no longer a secret and whoever is going to vote for UPND will be burnt alive''.**

16. The Petitioner states that at the close of the polls at Kateta Polling Station, the Petitioner's agents were chased away by the Respondent's agents resulting in the Petitioner's agent's inability to witness and sign the GEN 20 forms.
17. Further to paragraph 15 above, at Kateta 2 Polling Station, the Presiding Officer Francis Kangachepe took the unsealed ballot boxes to the totalling Centre due violence and intimidation occasioned by the Respondent and his agents.
18. On the 14th of August, 2026 at the totalling Centre, the Respondent's polling agent Jordan Mundongo attacked the Presiding Officer Francis Kangachepe grabbed the ballot boxes and tore the marked ballot papers who has subsequently been arrested and charged.
19. At Kateta Polling Station 2, there were 304 unaccounted for ballot papers by ECZ, as the polling station had received 950 ballot papers of which 631 votes were cast, 626 were valid votes, 5 were rejected and 15 were un used.
20. The Petitioner avers that the valid ballot papers were damaged and destroyed by the Respondent and his agents and were thrown away before being counted and tallied.
21. At Kateta Polling Station, the Petitioner's polling agents could not be availed with GEN 20's the prescribed form under the Electoral Process Act No. 35 of 2016 for the reason that they were chased away by the Respondent and agents.
22. The polling officers at the said polling stations prevented the Petitioner's polling agents from verifying the results which were remitted to the Returning officer at the tallying centre as provided by law.

23. The Petitioner and his agents brought the irregularities and the illegalities in the electoral process to the attention of the Returning Officers but the Petitioner's agents were advised to go to Court.

24. As a result of the above events having taken place in all the wards of the Constituency in issue, inclusive of violation of the Constitution, the Electoral Process Act, corruption, bribery, violence, intimidation, the majority of the voters in the Zambezi Central Constituency were prevented from electing their preferred candidate.

25. **WHEREOF** your Petitioner prays for:

(i) An Order to conduct a recount of the votes in the said election.

(ii) An order that the Respondent was not duly elected as a member of Parliament for Zambezi Central Constituency as the majority in the Constituency were prevented from electing a candidate whom they preferred.

(iii) A declaration that the election of the Respondent as Member of Parliament for Zambezi Central Constituency was null and void.

(iv) The declaration of Dennis Kayombo Mano duly elected Member of Parliament for Zambezi Central Constituency should the recount confirm that he received the majority of the votes.

(v) Any other relief the Court may deem fit.

(vi) Costs.

YOUR PETITONER WILL EVER PRAY.

Dated at Lusaka this_____ day of_____2026

Signed: _____

DENNIS MANO KAYOMBO

(PETITIONER)

This Petition was filed by: Messrs Kaunda Kaunda& Mwila Legal Practitioners

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LUSAKA
ADVOCATES FOR THE PETITIONER

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To: The Respondent and Their Advocates

IN THE HIGH COURT FOR ZAMBIA **2026/HP/EP004**
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(Civil Jurisdiction)

IN THE MATTER OF: **ARTICLES 1 (2), (3), 73 (1) (a) AND 45 (2) (a) (b) OF THE CONSTITUTION OF ZAMBIA, ACT NO. 2 OF 2016;**

IN THE MATTER OF: **SECTIONS 81, 87, 94, 96, AND 97 (1) 2 (b) 83 (2) 99 (a) OF THE ELECTORAL PROCESS ACT No. 35 OF 2016;**

IN THE MATTER OF: **PART VIII OF THE ELECTORAL PROCESS ACT No. 35 OF 2016;**

IN THE MATTER OF: **ZAMBEZI CENTRAL CONSTITUENCY ELECTION HELD ON THE 13TH AUGUST, 2016; AND**

IN THE MATTER OF: **RULE 9 OF THE HIGH COURT (ELECTION PETITION) RULES, S.I. NO. 31 OF 2026**

BETWEEN:

DENNIS KAYOMBO MANO **PETITIONER**

AND

RAPHAEL KAYOMBO NGIMBU **RESPONDENT**

REPUBLIC OF ZAMBIA HIGH COURT OF ZAMBIA 03 SEP 2026 PRINCIPAL REGISTRY P.O. BOX 50067, LUSAKA

RESPONDENT'S ANSWER TO THE ELECTION PETITION

The Respondent, ***RAPHAEL KAYOMBO NGIMBU,*** in answer to the Petition responds as follows:

1. Save where expressly admitted herein, the Respondent denies each and every allegation contained in the Petition of one ***Dennis Kayombo Mano***.

2. The Respondent states that the contents of paragraphs 1 and 2 of the Petition are within the peculiar knowledge of the Petitioner.

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3. The contents of paragraph 3 of the Petition are denied save the fact that the Respondent was a candidate in the Parliamentary Elections for Zambezi Central Constituency that was held on the 13th August, 2026.

4. Paragraphs 4 and 5 of the Petition are admitted.

5. The Respondent denies paragraph 6 of the Petition and the Petitioner shall be put to strict proof thereof and the Respondent shall at trial aver that the Respondent was and is a dully elected Member of Parliament for Zambezi Central Constituency.

6. The Respondent denies the allegations contained in paragraphs 7 and 8 of the Petition and puts the Petitioner to strict proof thereof. In particular, the Respondent responds to the allegations contained in paragraphs 8 (i) to 8 (vi) as follows:

   (a) The allegations contained in paragraphs 8(i) and 8(ii) of the Petition are denied as being untrue and constituting a misrepresentation of the facts. The Respondent shall aver at trial that, contrary to the allegations made by the Petitioner, it was the Petitioner who engaged in corrupt practices and electoral malpractices during the campaign period, on polling day and thereafter. The Respondent shall further aver that his Election Agents and Polling Agents were trained, instructed and cautioned against engaging in electoral malpractices, illegal practices or any conduct contrary to the law. The Respondent shall further aver that, if any of his Election Agents, Polling Agents or any other person associated with his candidature engaged in any of the alleged practices, which is denied, such conduct was undertaken without the Respondent's knowledge, consent, authorization or approval.

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(b) The Respondent denies the allegations contained in paragraph 8 (iii) of the Petition. The Respondent shall aver at trial that he did not campaign on polling day. The Respondent shall further aver that, if any of his agents engaged in campaigning on polling day, which is not admitted, such conduct was undertaken without his knowledge, consent, authorization or approval.

(c) The allegations contained in paragraph 8 (iv) of the Petition are denied. The Respondent shall aver at trial that neither he nor his agents instructed, directed or encouraged any voter on polling day to vote for the Respondent. The Respondent shall further aver that, if any of his agents acted in the manner alleged, which is denied, such conduct was undertaken without the Respondent's knowledge, consent, authorization or approval.

(d) The allegations contained in paragraph 8 (v) of the Petition are denied. The Respondent shall aver at trial that no such incident occurred at the said polling station on the polling day. The Respondent shall further aver that, during the polling process, the Respondent's Polling Agent raised two concerns with the Presiding Officer. The first concern related to the Presiding Officer's alleged attempt to take or grab the Polling Agent's mobile phone. The second concern related to the Presiding Officer's decision to assist elderly voters who had attended the polling station accompanied by their relatives, who were ready and willing to assist them. The Respondent shall aver that both concerns were addressed and resolved in the ordinary course and without disruption to the polling process. At no time was voting at the said polling station interrupted, impeded or otherwise disturbed as alleged or at all.

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(e) The allegations contained in paragraph 8 (vi) of the Petition are denied. The Respondent shall aver at trial that, if any of the alleged incidents occurred, which is not admitted, the same occurred without his knowledge, consent, authorization or approval. The Respondent shall further aver that the expression ***"Nya na nya"*** is a Luvale expression meaning ***"tell your friend to tell another friend."***

7. The allegations contained in paragraphs 9 to 12 of the Petition are denied and the Petitioner shall be put to strict proof thereof. The Respondent shall aver at trial that, if any of the alleged incidents occurred, which is denied, the same occurred without his knowledge, consent, authorization or approval and did not prevent, restrict or otherwise impede voters in Zambezi Central Constituency from voting for candidates of their choice.

8. The allegations contained in paragraph 13 of the Petition are denied and the Petitioner is put to strict proof thereof. The Respondent shall aver at trial that voters in Zambezi Central Constituency voted freely and without the alleged intimidation, undue influence or manipulation. The Respondent shall further aver that any registered voter who did not turn up to vote did so for reasons known to themselves and not for the reasons alleged by the Petitioner.

9. The allegations contained in paragraph 14 of the Petition are denied and the Petitioner is put to strict proof thereof. The Respondent shall aver at trial that no such incident occurred at the said polling station and that neither the Respondent nor his agents were present at Chitikoloki Polling Station on the alleged date and at the alleged time of the purported incident.

10. The allegations contained in paragraph 15 of the Petition are denied and the Petitioner is put to strict proof thereof. The Respondent shall aver

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at trial that, on polling day, he visited only three polling stations, namely Chinyingi Polling Station, Kanyilaba Polling Station and Malola Polling Station, and did not visit any other polling station. The Respondent shall further aver that, if any of his agents engaged in any of the conduct alleged in paragraph 15 of the petition, which is denied, such conduct was undertaken without the Respondent's knowledge, consent, authorisation or approval.

11. The allegations contained in paragraphs 16 and 21 of the Petition are denied and the Petitioner is put to strict proof thereof. The Respondent shall aver at trial that all Polling Agents present at Kateta Polling Station, including the Polling Agents for the United Party for National Development (UPND), were present during voting, counting and tallying of the votes and witnessed the preparation and signing of Form GEN 20a. The Respondent shall further aver that copies of the Form GEN 20a were made available to the Polling Agents at the polling station. Insofar as any Polling Agent may not have obtained a copy of the Form GEN 20a, the Respondent shall aver that such failure was not occasioned by any act or omission on the part of the Respondent or his agents and that no Polling Agent was prevented from obtaining a copy.

12. The allegations contained in paragraph 17 of the Petition are denied and the Petitioner is put to strict proof thereof. The Respondent shall aver at trial that no incident occurred at Kateta 2 Polling Station which prevented or otherwise impeded voters from voting for candidates of their choice. The Respondent shall further aver that the electoral process at Kateta 2 Polling Station was substantially conducted in accordance with the provisions of the Electoral Process Act.

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13. The allegations contained in paragraph 18 of the Petition are denied and the Petitioner is put to strict proof thereof. The Respondent shall aver at trial that Francis Kangachepe, the Presiding Officer at Kateta 2 Polling Station, was involved in an altercation with some members of the public at the Totaling Centre. The Respondent shall, however, aver that the said altercation did not materially disrupt, interfere with or adversely affect the electoral process at the Totaling Centre.

14. The allegations contained in paragraph 19 of the Petition are denied and the Petitioner is put to strict proof thereof. The Respondent shall aver at trial that all ballot papers for the Zambezi Central Constituency Parliamentary Election were properly counted and accounted for and that no ballot paper relating to the Parliamentary Election remained unaccounted for.

15. The allegations contained in paragraph 20 of the Petition are denied and the Petitioner is put to strict proof thereof. The Respondent shall aver at trial that all ballot papers cast in the Parliamentary Election at the polling stations within Zambezi Central Constituency were counted and tallied at the respective polling stations. The Respondent shall further aver that no ballot paper was thrown away, torn, destroyed or otherwise unlawfully disposed of at any polling station.

16. The allegations contained in paragraph 22 of the Petition are denied and the Petitioner is put to strict proof thereof. The Respondent shall aver at trial that no Polling Agent was prevented from performing his or her lawful functions at any polling station or at the Totaling Centre. The Respondent shall further aver that the election in Zambezi Central Constituency was substantially conducted in accordance with the law.

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17. The contents of paragraph 23 of the Petition are matters within the peculiar knowledge of the Petitioner, and the Petitioner is put to strict proof thereof.

18. The allegations contained in paragraph 24 of the Petition are denied and the Petitioner is put to strict proof thereof. The Respondent shall aver at trial that he did not participate in, authorize or sanction any of the alleged violations of the Constitution or the Electoral Process Act, or any acts of corruption, bribery or intimidation alleged by the Petitioner. The Respondent shall further aver that voters in Zambezi Central Constituency exercised their right to vote freely and without inducement, intimidation or undue influence and that no voter was prevented from voting for a candidate of his or her choice. The Respondent shall further aver that the election in Zambezi Central Constituency was conducted in substantial conformity with the law.

19. The Respondent shall further aver at trial that, contrary to the allegations contained in the Petition, it was the Petitioner who engaged in electoral malpractices, corruption and acts of intimidation and who sought to scandalize the Respondent and create hostility against him for the Petitioner's electoral advantage.

20. The Respondent shall contend that the Petition discloses no sufficient constitutional, statutory or factual basis upon which the Respondent's election as Member of Parliament for Zambezi Central Constituency may lawfully be invalidated.

21. The Respondent shall further contend that the burden of proving the allegations contained in the Petition rests upon the Petitioner and that the Petitioner has failed to plead and establish material facts sufficient to support the reliefs sought.

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22. The Respondent shall further aver at trial that neither the Respondent nor his agents engaged in any of the acts alleged in the Petition. In the alternative, and without prejudice to the foregoing, if any agent of the Respondent engaged in any corrupt practice, illegal practice or other misconduct in connection with the election, which is denied, such conduct was undertaken without the Respondent's knowledge, consent, authorization or approval and that such conduct was neither widespread nor of such a nature or extent as to have prevented, or been likely to prevent, the majority of voters in the Zambezi Central Constituency from freely electing the candidate of their choice.

23. The Respondent shall further aver at trial that the Parliamentary Election for Zambezi Central Constituency held on the 13th August, 2026 was conducted in substantial conformity with the Constitution of Zambia, Chapter 1 of the Laws of Zambia, the Electoral Process Act No. 35 of 2016 and all other applicable laws. The Respondent shall further aver that no voter in Zambezi Central Constituency was unlawfully prevented, restricted or otherwise impeded from voting for a candidate of his or her choice.

24. **WHEREFORE**, the Respondent shall contend that the Petition is devoid of merit and the reliefs set out in paragraph 25 of the petition are untenable and the petition ought to be dismissed, with costs, and that the Respondent's election as Member of Parliament for Zambezi Central Constituency be upheld.

.....

Respondent

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

This Answer was prepared and filed in by Messrs James & Doris Legal Practitioners 9th Floor Premium House Independence Avenue, P.O. Box 34302 Lusaka and email: jamesdoris.lus@gmail.com

Settled by: _____

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IN THE HIGH COURT FOR ZAMBIA **2026/HP/EP004**
AT THE PRINCIPAL REGISTRY
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IN THE MATTER OF: **ARTICLES 1 (2), (3), 73 (1) (a) AND 45 (2) (a) (b) OF THE CONSTITUTION OF ZAMBIA, ACT NO. 2 OF 2016;**

IN THE MATTER OF: **SECTIONS 81, 87, 94, 96, AND 97 (1) 2 (b) 83 (2) 99 (a) OF THE ELECTORAL PROCESS ACT No. 35 OF 2016;**

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IN THE MATTER OF: **RULE 9 OF THE HIGH COURT (ELECTION PETITION) RULES, S.I. NO. 31 OF 2026**

BETWEEN:

DENNIS KAYOMBO MANO **PETITIONER**

AND

RAPHAEL KAYOMBO NGIMBU **RESPONDENT**

RESPONDENT'S SKELETON ARGUMENTS

Cases Referred to:

1. Lewanika & Others vs. Chiluba (1998) ZR 79
2. Jonathan Kapaipi v Newton Samakayi, CCZ Appeal No. 13/2017
3. Margaret Mwanakatwe v Charlotte Scott, Selected Judgment No. 50 of 2018

Legislation Referred to:

Section 97, 98 and 99 of the Electoral Process Act N0. 35 of 2016

These Skeleton Arguments were prepared and filed in by Messrs James & Doris Legal Practitioners 9th Floor Premium House Independence Avenue, P.O. Box 34302 Lusaka and email: jamesdoris.lus@gmail.com

May it please this Honorable Court.

1.0 Introduction

1.1 These are Skeleton Arguments filed in by Messrs. James & Doris Legal Practitioners for and on behalf of Mr. Raphael Kayombo Ngimbu, the Respondent in this matter, in fulfilment of Rule 10 (2) (b) of the High Court (Election Petition) Rules, Statutory Instrument No. 31 of 2026 of the Electoral Process Act No. 35 of 2016.

1.2 On the 27th August, 2026 the Petitioner filed into this court this petition challenging the election of the Respondent herein. The Petitioner has alleged under paragraph 8 of the Petition that the Respondent and his agents engaged in corrupt and illegal practices, during and after elections contrary to part VIII of the Electoral Process Act No. 35 of 2016 and Article 45 (2) (a) and (b) of the Constitution of Zambia as amended by Act No. 2 of 2016 in that, according to the Petitioner, the Respondent and his agents, allegedly involved themselves in bribery, undue influence, threats, intimidation, violence, and that they conducted campaigns at polling stations on the voting day in all the wards of the constituency.

These Skeleton Arguments were prepared and filed in by Messrs James & Doris Legal Practitioners 9th Floor Premium House Independence Avenue, P.O. Box 34302 Lusaka and email: jamesdoris.lus@gmail.com

1.3 In support of the said allegation the Petitioner filed an Affidavit verifying facts in the petition.

1.4 The Respondent hereby strongly and vehemently opposes the petition on the ground that the petition lacks merit, that the reliefs being sought are not tenable at law and that Respondent was validly elected by the voters in the Zambezi Central Constituency.

1.5 The Respondent argues that the Petitioner has failed to show that ***a corrupt practice, illegal practice or other misconduct was committed in connection with the election —***

(i) by the Respondent; or

(ii) by any other person, with the knowledge and consent or approval of the Respondent or of the Respondent's election agent or polling agent;

and that consequent thereof, the majority of voters in Zambezi Central constituency were or may have been prevented from electing the candidate in that constituency whom they preferred.

1.6 Further it is our contention that there was substantial compliance with the provisions of the Electoral Process Act in the conduct of the election relating to Zambezi Central Constituency and that the

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election was conducted in accordance with the principles laid down in the provisions of the law and that if there were any non-compliance, such non – compliance did not affect the result of the election

1.7 It is further argued here that if there were any corrupt practice or illegal practice that were committed, we submit that such corrupt practice or illegal practice was not committed by the Respondent personally or by Respondent's election agent, or with the knowledge and consent or approval of the Respondent or the Respondent's election agent.

1.8 It is further submitted that throughout the electoral process, the Respondent and his election agent took all reasonable means to prevent the commission of any corrupt practice or illegal practice at the election and that in all other respects the election was free from any corrupt practice or illegal practice on the part of the Respondent or the Respondent's election agents.

1.9 It is also argued that the election that took place in Zambezi Central Constituency cannot be declared void by reason of any alleged act or omission by any election officer in breach of that officer's official duty in connection with the election as the election was conducted in a manner that was substantially in accordance with the

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provisions of the Electoral Process Act No. 35 of 2016 and that such acts or omissions did not affect the result of that election.

2.0 The Law

2.1 The burden of proof in an election petition lies upon the Petitioner. The standard of proof is different from that of an ordinary civil matter. The standard remains higher and distinct from that required in an ordinary civil matter, but lower than the standard of beyond reasonable doubt required in criminal matters.

2.2 Parliamentary election petitions are required to be proved to a standard higher than on a mere balance of probabilities and issues raised are to be established to a fairly high degree of convincing clarity. This position was stated in the case of **Lewanika & Others vs. Chiluba (1998) ZR 79** where the Supreme Court stated that:

> ***"Parliamentary election petitions are required to be proved to a standard higher than a mere balance of probabilities."***

2.3 Thus, as an established principle of law, in an election petition like in any other civil matter, the burden of proof lies with the Petitioner to prove any of the malpractices alleged to have been committed. The Burden of establishing the grounds lies on the person making

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the allegation and in election petitions, it is the petitioner in keeping with the well settled principle of law in civil matter that he who alleges must prove. The grounds must be established to the required standard in election petitions namely fairly high degree of convincing clarity.

2.4 Thus, it can be safely stated that election petitions require that the alleged malpractices are proved to a standard higher than on a balance of probabilities by petitioners. Therefore, it is common cause that the Petitioner's evidence must have weight and cogency to discharge the required burden.

2.5 Under section 97 (2) (a) of the Electoral Process Act No. 35 of 2016 it is provided that an election of a Member of Parliament, Mayor, Council Chairperson or Councilor can be voided only in two circumstances. These are;

i. where it is proved that a candidate, in connection with the election, has committed corrupt practices, illegal practices or any other misconduct: or

ii. where it is proved that some other person has committed corrupt practices, illegal practices or other misconduct and that such vices were committed with the knowledge and

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consent or approval of a candidate or his/her election agents or polling agents;

and that because of proof of (i). or (ii). above, the majority of voters in a constituency were prevented from electing the candidate in that constituency whom they preferred.

2.6 Further, a reading of the provisions of section 97 (2) (a) of the Act clearly reveals that the election of a candidate as, Member of Parliament, mayor, Council Chairperson or Councilor can only be nullified if the person challenging the election of the candidate proves to the satisfaction of Court that the candidate in question personally committed a corrupt practice or illegal practice or other misconduct in relation to the election or that the corrupt practice or illegal practice or misconduct was committed by another person with the candidate's knowledge, consent or approval or that of the candidate's election or polling agent.

2.7 Where it is proved that a corrupt practice or illegal practice or other misconduct was committed by a candidate or with the knowledge and consent or approval of the candidate or that of the candidate's election or polling agent, the Petitioner must further prove that as a result of that corrupt or illegal practice or misconduct, the majority of the voters in the constituency were or may have been

These Skeleton Arguments were prepared and filed in by Messrs James & Doris Legal Practitioners 9th Floor Premium House Independence Avenue, P.O. Box 34302 Lusaka and email: jamesdoris.lus@gmail.com

prevented from electing the candidate in that constituency whom they preferred.

2.8 It is not sufficient for a Petitioner to prove only that a candidate committed a corrupt practice or illegal practice or engaged in other misconduct in relation to the election without proof that the corrupt practice or illegal practice or misconduct was widespread and prevented or may have prevented the majority of the voters in the constituency from electing a candidate of their choice.

2.9 In the case of **Jonathan Kapaipi v Newton Samakayi, CCZ Appeal No. 13/2017,** the Constitutional Court stated that:

> ***"The provision for declaring an election of a Member of Parliament void is only where, whatever activity is complained of, it is proved satisfactorily that as a result of that 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 conduct was widespread in the constituency to the level where registered voters in greater numbers were influenced so as to change their selection of a***

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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."

2.10 Therefore, it can safely be said that in order for a Petitioner to successfully have an election annulled pursuant to section 97(2)(a) there is a threshold to 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 agent.

2.11 Further, 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.

2.12 The Constitutional Court, in **Margaret Mwanakatwe v Charlotte Scott, Selected Judgment No. 50 of 2018**, found that the 1st

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Respondent did not adduce any evidence to prove that the prohibited act was widespread and affected the result of the election by preventing the majority of the electorate from electing their preferred candidate and so rendered the election a nullity.

2.13 The above authorities aptly demonstrate the import of the majority provision under section 97 (2) (a) of the Act. It should be noted that a candidate is liable only for a corrupt or illegal act or other misconduct that he or she committed in connection with the election and those committed by his election agent or polling agents or those done with his or her knowledge, approval or consent.

2.14 We have also looked at the list of reliefs the Petitioner is seeking. To that end, we shall refer this court to section 99 of the Electoral Process Act No. 35 of 2016. Under the said provision, the law has stated what reliefs a court can grant in an election petition. And recount of votes is not one of the reliefs provided under the law.

3.0 **Conclusion**

3.1 Reading the Petition and its attendant affidavit verifying facts, and the law and authorities concerning this petition, it is so clear that there is no material upon which this court can nullify the election of the Respondent.

These Skeleton Arguments were prepared and filed in by Messrs James & Doris Legal Practitioners 9th Floor Premium House Independence Avenue, P.O. Box 34302 Lusaka and email: jamesdoris.lus@gmail.com

3.2 Further, the relief being sought by the Petitioner of recount is not provided for by law as such that relief is not available.

3.3 The Petition must therefore be dismissed with costs to the Respondent.

We are most obliged.

Dated at Lusaka the day of 2026

Drawn By: .....

Messrs James & Doris Legal Practitioners
9th Floor, Premium House
Independence Avenue
P.O. Box 32402
Lusaka
Jamesdoris.lus@gmail.com
Advocates for the Respondent

IN THE HIGH COURT OF ZAMBIA 2026/HP/EP 004

AT THE PRINCIPAL REGISTRY

HOLDEN AT LUSAKA

(CIVIL JURISDICTION)

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
2 8 AUG 2026
PRINCIPAL REGISTRY 3
P.O. BOX 50067, LUSAKA.

IN THE MATTER OF: ARTICLES 1(2), (3), 73(1)(a) AND 45(2)(a)(b) OF THE CONSTITUTION OF THE REPUBLIC OF ZAMBIA.

IN THE MATTER OF: SECTIONS 81,87,94,96 AND 97(1),2(b) (83) (2),99(a) OF THE ELECTORAL PROCESS ACT No.35 OF 2016.

IN THE MATTER OF: PART VIII OF THE ELECTORAL PROCESS ACT No.35 of 2016

IN THE MATTER OF: ZAMBEZI CENTRAL CONSTITUENCY ELECTIONS HELD ON THE 13TH AUGUST,2026.

IN THE MATTER OF: RULE 9(1) THE HIGH COURT (ELECTIONS PETITION) RULES,2026.

BETWEEN:

DENNIS KAYOMBO MANO PETITIONER

AND

RAPHAEL KAYOMBO NGIMBU RESPONDENT

LIST OF AUTHORITIES AND SKELETON ARGUMENTS

List of Authorities

1. Order 3 Rule 2 of the High Court Rules Chapter 27 of the Laws of Zambia
2. Order X Rule 3 of the High Court Rules Chapter 27 of the Laws of Zambia
3. Rule 14 (3) of the High Court (Election Petition) Rules, 2026 SI No. 31 of 2026.

Skeleton Arguments

IF IT MAY PLEASE THIS HONOURABLE COURT, these are the Petitioner's Skeleton Arguments in support of the Ex-Parte Summons for Leave to serve the Election Petition and accompanying documents on the Respondent by way of substituted service.

Order 3 Rule 2 of the High Court Rules Chapter 27 of the Laws of Zambia provides as follows:

> ***"Subject to any particular rules, the Court or a Judge may, in all causes and matters, make any interlocutory order which it or he considers necessary for doing justice, whether such order has been expressly asked by the person entitled to the benefit of the order or not."***

Order X Rule 3 of the High Court Rules Chapter 27 of the Laws of Zambia provides the following on substituted service

> ***"Where personal service of any writ, notice, pleading, summons, order, warrant or other document, proceeding or written communication is required and it is made to appear to the Court or a Judge that prompt personal service cannot be effected, the Court or a Judge may make such order for substituted or other service, or for the substitution for service of notice by letter, public advertisement or otherwise, as may be just. Every application to the Court or a Judge for an order to be made under this rule shall be supported by an affidavit setting forth the grounds upon which the application is made."***

***Rule 14 (3)* of the High Court (Election Petition) Rules, 2026 SI No. 31 of 2026** provides as follows on the application for substituted service:

"A petitioner may, where a petitioner fails to effect personal service of a nomination petition or an election petition referred to under sub-rule (1) make an application for substituted service within twenty four hours of failing to effect personal service."

We place our reliance on the above provisions and submit that this Honourable Court has the power to grant an order for Leave to serve the Election Petition and accompanying documents on the 1st Respondent herein by way of substituted service. The affidavit in support of this application has demonstrated that the Petitioner has done everything in his powers to try and effect personal service of the Court documents on the Respondent herein, but this has not yielded any fruit. We therefore submit and contend that in the circumstances, the best way to bring the subject court process to the attention of the Respondent is by advertising it twice in the Zambia Daily Mail Newspaper.

We pray on the basis of the Summons filed herein, the Affidavit in Support and these Skeleton Arguments that this Honourable Court finds in our favour and grant the Applicant for Leave to serve the Election Petition together with the accompanying documents on the Respondent by way of substituted service.

We are most obliged.

Dated at Lusaka this ..... Day of 2026

Messrs Kaunda Kaunda& Mwila Legal Practitioners
Flat 10, Kawama Road
Woodlands
Mobile: +260 977 449 586, 976 523 375
Email: legal@kaundakaunda.com
LUSAKA
ADVOCATES FOR THE PETITIONER

IN THE HIGH COURT FOR ZAMBIA **2026/HP/EP004**
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(Civil Jurisdiction)

IN THE MATTER OF: **ARTICLES 1 (2), (3), 73 (1) (a) AND 45 (2) (a) (b) OF THE CONSTITUTION OF ZAMBIA, ACT NO. 2 OF 2016;**

IN THE MATTER OF: **SECTIONS 81, 87, 94, 96, AND 97 (1) 2 (b) 83 (2) 99 (a) OF THE ELECTORAL PROCESS ACT No. 35 OF 2016;**

IN THE MATTER OF: **PART VIII OF THE ELECTORAL PROCESS ACT No. 35 OF 2016;**

IN THE MATTER OF: **ZAMBEZI CENTRAL CONSTITUENCY ELECTION HELD ON THE 13TH AUGUST, 2016; AND**

IN THE MATTER OF: **RULE 9 OF THE HIGH COURT (ELECTION PETITION) RULES, S.I. NO. 31 OF 2026**

BETWEEN:

DENNIS KAYOMBO MANO **PETITIONER**

AND

RAPHAEL KAYOMBO NGIMBU **RESPONDENT**

RESPONDENT'S AFFIDAVIT IN OPPOSITION TO THE ELECTION PETITION

I, **RAPHAEL KAYOMBO NGIMBU**, a Zambian citizen of Plot 24421 Libala Lusaka in the City and Province of Lusaka in the Republic of Zambia, **do hereby make oath and state** as follows:

1. That my full name and residential address are as stated above.

2. That I am the Respondent herein and I am competent to swear to the facts deposed to in this Affidavit from facts known to me and my belief.

3. That I have perused through what purports to be an Affidavit Verifying Facts of a Petition, sworn in by one Dennis Kayombo Mano and I wish to respond in as it is hereunder contained.

4. That I was a candidate in the Parliamentary elections for Zambezi Central Constituency held on the 13th day of August, 2026.

5. That sometime in May, 2026, I successfully filed my nomination as an independent candidate for Zambezi Central Parliamentary elections and I stood as an Independent Candidate in the said elections and after the poll, I was declared the winner of the poll having been validly elected as a Member of Parliament for the said Zambezi Central Constituency. Now shown to me and produced is a copy of the nomination letter and marked **"RKN 1".**

6. That after my nomination for the election, I took out to campaign in the said election and that my campaign was issue based, peaceful and in accordance with the law.

7. That I appointed my campaign team and electoral agents and poll agents and I had them trained and educated on how to conduct themselves during campaigns and elections and after the election.

8. That I told my campaign team, electoral agents and polling agents to strictly follow the law and never to engage in any electoral malpractices and electoral process breaches. I warned them that I would not tolerate any wrong doing as I wanted my campaign to be lawful and peaceful at all times.

9. That I never allowed any one of my campaign team and electoral agents and polling agents to engage in any corrupt, illegal practices, bribery, undue influence, threats, intimidation or violence or indeed any other thing that was prohibited by law, morality and our traditional customs and values.

10. That at all times during our campaigns, elections and after elections we were peaceful and never engaged in any vices or illegal practices.

11. That contrary to what has been contained in paragraph 9 of the affidavit verifying the petition sworn in by Dennis Mano, I and my agents never

engaged in any one of the alleged vices and illegal practices. In fact it was the said Dennis Kayombo Mano, the Petitioner who engaged in illegal practices such as corruption, bribery, threats, violence, treating, voter intimidation, vote buying and exerting undue influence on some voters in the constituency during campaign, elections period and after the elections. He was even captured in a picture with a bunch of voters' cards and in another video the Petitioner was captures promising the youths beer on the polling day. Now shown to me and produced is a copy of the picture and a flash disk containing the video and marked **"RKN2"** and **"RKN3"** respectively.

12. The said Dennis Kayombo Mano and his agents were distributing beddings, money and other stuff to voters in the constituency in order to influence the said voters and a video to that effect was made. Now shown to me and produced is a copy of the said video in a flash disk and marked **"RKN 4".**

13. The contents of paragraph 10 of the affidavit verifying facts of the petition are incorrect as I and my campaign manager and agents never engaged in the said activities as alleged as I and my team ran a peaceful lawful campaign and we followed the law on the election day and never threatened any one on the poling day. Further we did not hold campaign meetings in some parts of the wards such as Kanung'u, Kaumbu, Makondu, Malola, Nyensong'a and many other places of the constituency

14. That contrary to what is contained in paragraph 11 of the affidavit verifying facts of the petition, it is not true that Masuwa Kasweka uttered those words in the whatsApp group with a view to cause violence but that he was advising those who were traveling from far flung places coming to vote that they should equip themselves and protect themselves against the heightened security concerns and that the said advice was issued without my knowledge and consent. Further, the majority of the members of the said WhatsApp group voted

peacefully and freely without any fear, intimidation or influence from me or my agents on the 13th August, 2026.

15. That the allegations in paragraph 12 of the affidavit verifying facts of the petition are not true. The said Gladys Kavungu had an altercation with one of the polling agents after the said Gladys Kavungu tried to grab a cell phone of one of the said polling agents and further that the said Gladys Kavungu was seen interfering with voters by helping them to vote when the same voters had come with their own people to assist them and that the said Gladys Kavangu was biased towards the Petitioner due to some close relationship the Petitioner had with the same Gladys Kavungu.

16. That the contents of paragraphs 13 and 14 of the said affidavit verifying facts of the petition are very incorrect and highly misleading as I and the named agents never campaigned at any polling station on the election day and that I was never aware of or consented to any of my agents to campaign on the poll day and that I never went to Zambezi or Lwampungwa Polling stations. Further, the term ***"Nya na nya"*** is a Luvale term that means ***"tell your friend to tell another friend"***.

17. That the allegation in paragraph 15 of the affidavit verifying facts to the petition are not true as I and my agents never went to Chitokoloki polling station on the poll day and that I was not responsible for any incident that occurred at any polling station in Zambezi Central Constituency including Chitokoloki polling station.

18. That the allegations in paragraph 16 of the affidavit verifying the petition are not true that my polling and election agents were giving money to voters or stoning any one as alleged. Further, I did not know or consent to the giving of any money to any voter during campaigns and elections and after elections or during the whole electoral process.

19. That contrary to what is contained in paragraph 17 of the affidavit verifying facts of the petition, I and my agents never intimidated or

chased anyone at Kashona polling station as alleged as I and my agents were never at that place on the poll day. Further, I was not aware or allow anyone in my campaign team to intimidate or chase anyone from any polling station but that I am aware that some people who were not residents of the area or registered voters on that polling station were chased by members of the public on suspicion that they had come to interfere with the election process at the said polling station.

20. The contents of paragraphs 18, 19, 20, 21, 22, 23 and 24 of the affidavit verifying facts to the petition are not true as I and my agents did not harass or chase anyone from any polling station, never were we violent, or conducted campaigns on the poll day. We did not influence any voter or give money or distribute food stuff to any voter during campaigns or on the poll day. The only food that was taken to polling stations was that meant for my poll agents who were performing their duty at such various polling stations.

21. That contrary to what is contained in paragraph 25 of the affidavit verifying facts of the petition, no agent was chased from any polling station including Kateta polling station. All polling agents were allowed to conduct their duties as polling agents without any interreference from any one and that those agents who stayed away from signing and collecting copies of the GEN 20a forms did so out of their own volition and choice.

22. That the contents of paragraph 26 of the affidavit verifying facts of the petition are not true and are a misrepresentation of facts. That I was advised by my polling agent Makondo Justine and I do believe the same to be true that the events surrounding Francis Kangachepe were that an Electoral Commission officer came to Kateta polling station and ordered all presiding officers to load their ballot boxes into the vehicle he came with whether the said boxes were sealed or not and that that's how they loaded unsealed ballot boxes and that people protested against that state of affairs.

23. Further to the above, I came to learn later that when the said ballot boxes arrived at the totaling center, Francis Kangachepe went under a tree behind the totaling center and started sealing the ballot boxes, an exercise that drew the attention of some people at the totaling center and the people approached the said Francis Kangachepe and tried to retrieve the ballot boxes as they accused him of stuffing pre marked ballot papers in favor of the Petitioner in the ballot boxes and that is how some ballot papers were torn and that no ballot paper for parliamentary poll for Zambezi Central Constituency were torn.

24. That the contents of paragraph 27 of the affidavit verifying facts of the petition are not true as no ballot paper for Zambezi Central Parliamentary elections were torn by anyone.

25. That paragraphs 28 and 29 of the affidavit verifying facts of the petition are not true as Jordan Mundongo has never been charged and arrested for any electoral malpractice offence and that it is not true that there were any unaccounted-for ballot papers for Zambezi Central Constituency.

26. That paragraph 30 of the affidavit verifying fact of the petition contains untrue information as the alleged events never happened as my polling agents did not damage, destroy or throw away any ballot papers as all ballot papers were all counted in their respective polling stations and tallied. All ballot papers were accounted for by the Electoral Commission of Zambia and records are there at Electoral Commission of Zambia.

27. The contents of paragraph 31 of the said affidavit verifying petition are not true as my agents never caused any violence at any polling station or totaling center.

28. That I and my agents participated in the parliamentary elections in Zambezi Central Constituency peacefully and lawfully and I properly and lawfully won the election.

29. That the Petitioner during his campaigns, one of which was captured on video, boasted that he was a political heavy-weight who had a lot of money who flew from Lusaka to Zambezi on a chartered plane and that he couldn't be compared to me who was just an indigent nobody who was struggling without money to give to anyone. Now shown to me are flash disks containing videos and marked **"RKN5".**

30. THAT I swear this Affidavit believing the facts herein to be true and correct to the best of my own knowledge, information and belief.

SWORN by the said

RAPHAEL KAYOMBO NGIMBU .....

this .....03.....day of.....SEP.....2026

BEFORE ME:.....

COMMISSIONER FOR OATHS

REPUBLIC OF ZAMBIA
CONSTITUTIONAL COURT OF ZAMBIA
03 SEP 2026
CLERK OF COURT
COMMISSIONER FOR OATHS
P.O. BOX 50067, LUSAKA

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

2026/HP/EP004

IN THE MATTER OF: **ARTICLES 1 (2), (3), 73 (1) (a) AND 45 (2) (a) (b) OF THE CONSTITUTION OF ZAMBIA, ACT NO. 2 OF 2016;**

IN THE MATTER OF: **SECTIONS 81, 87, 94, 96, AND 97 (1) 2 (b) 83 (2) 99 (a) OF THE ELECTORAL PROCESS ACT No. 35 OF 2016;**

IN THE MATTER OF: **PART VIII OF THE ELECTORAL PROCESS ACT No. 35 OF 2016;**

IN THE MATTER OF: **ZAMBEZI CENTRAL CONSTITUENCY ELECTION HELD ON THE 13TH AUGUST, 2016; AND**

IN THE MATTER OF: **RULE 9 OF THE HIGH COURT (ELECTION PETITION) RULES, S.I. NO. 31 OF 2026**

BETWEEN:

DENNIS KAYOMBO MANO **PETITIONER**

AND

RAPHAEL KAYOMBO NGIMBU **RESPONDENT**

CERTIFICATE OF EXHIBITS

These are the exhibits referred to in the affidavit deposed to by one **Raphael Kayombo Ngimbu** and marked **"RKN1"** and **"RKN5"** therein.

Dates at LUSAKA the 3 day of SEP 2026

Before me: .....

Commissioner for Oath.

REPUBLIC OF ZAMBIA
CONSTITUTIONAL COURT OF ZAMBIA
03 SEP 2026
CLERK OF COURT
COMMISSIONER FOR OATHS
P.O. BOX 50067, LUSAKA

IN THE HIGH COURT OF ZAMBIA

AT THE PRINCIPAL REGISTRY

HOLDEN AT LUSAKA

(CIVIL JURISDICTION)



2026/HP/EP 004

IN THE MATTER OF: ARTICLES 1(2), (3), 73(1)(a) AND 45(2)(a)(b) OF THE CONSTITUTION OF THE REPUBLIC OF ZAMBIA.

IN THE MATTER OF: SECTIONS 81,87,94,96 AND 97(1),2(b) (83) (2),99(a) OF THE ELECTORAL PROCESS ACT No.35 OF 2016.

IN THE MATTER OF: PART VIII OF THE ELECTORAL PROCESS ACT No.35 of 2016

IN THE MATTER OF: ZAMBEZI CENTRAL CONSTITUENCY ELECTIONS HELD ON THE 13TH AUGUST,2026.

IN THE MATTER OF: RULE 9(1) THE HIGH COURT (ELECTIONS PETITION) RULES,2026.

BETWEEN:

DENNIS KAYOMBO MANO — PETITIONER

AND

RAPHAEL KAYOMBO NGIMBU — RESPONDENT

AFFIDAVIT IN SUPPORT OF EX-PARTE SUMMONS FOR LEAVE TO SERVE ELECTION PETITION AND THE ACCOMPANYING DOCUMENTS ON THE RESPONDENT BY SUBSTITUTED SERVICE

I, **DENNIS KAYOMBO MANO** of Plot Number 21, Foxdale, off Zambezi Road, Lusaka in the Lusaka province of the Republic of Zambia, **DO HEREBY MAKE OATH AND SAY as follows:**

1. That my name and address are as stated above.
2. **That** I am a Zambian National.

3. That I am the Petitioner herein and by virtue thereof, I am competent to swear this Affidavit from matters within my own personal knowledge and facts.
4. That on 27th August, 2026 I filed an Election Petition in the High Court at the Principal Registry challenging the election of the Respondent herein as a Member of Parliament for Zambezi Central Constituency.
5. That after the filing of a Petition, I was tasked by my Lawyers to serve the said Petition together with the accompanying documents on the Respondent.
6. That I called the Respondent several times asking him where I can meet him so that I can serve him with the Court documents mentioned above but he could not tell me where he stays or where I can meet him to deliver the said documents to him.
7. That the Respondent kept saying that he is in Lusaka and would send the phone number for his Lawyers but we mentioned to him that the documents needed to be served on him personally.
8. That many phone calls were made to him but has continued being elusive even after talking to him. Produced and shown to me is a copy of a call record marked **DKM 1.**
9. That I tried to locate the address provided in his nomination papers from ECZ but could not locate the Respondent to serve him with the Petition and the accompanying documents.
10. That I made all reasonable efforts and used all means in my power to find the Respondent's physical address so that we can serve the court process on him but we are unable to do so.
11. That in the premises, I verily believe that the most effective way of bringing the Election Petition and the accompanying documents to the attention of the Respondent is by advertising twice in the Times of Zambia Newspaper.

12. That the grant of this Application will not prejudice anyone.

13. That the facts deposed herein are true and correct to the best of my knowledge.

SWORN by the said)

DENNIS KAYOMBO MANO)

At Lusaka this 28 day of Aug 2026)

.....

DEPONENT

BEFORE ME: .....

COMMISSIONER FOR OATHS.

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

IN THE HIGH COURT OF ZAMBIA 2026/HP/EP.....

AT THE PRINCIPAL REGISTRY

HOLDEN AT LUSAKA

(CIVIL JURISDICTION)

IN THE MATTER OF: ARTICLES 1(2), (3), 73(1)(a) AND 45(2)(a)(b) OF THE CONSTITUTION OF THE REPUBLIC OF ZAMBIA.

IN THE MATTER OF: SECTIONS 81,87,94,96 AND 97(1),2(b) (83) (2),99(a) OF THE ELECTORAL PROCESS ACT No.35 OF 2016.

IN THE MATTER OF: PART VIII OF THE ELECTORAL PROCESS ACT No.35 of 2016

IN THE MATTER OF: ZAMBEZI CENTRAL CONSTITUENCY ELECTIONS HELD ON THE 13TH AUGUST,2026.

IN THE MATTER OF: RULE 9(1) THE HIGH COURT (ELECTIONS PETITION) RULES,2026.

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

BETWEEN:

DENNIS KAYOMBO MANO PETITIONER

AND

RAPHAEL KAYOMBO NGIMBU RESPONDENT

CERTIFICATE OF EXHIBITS

These are the exhibits marked " **DKM1**" referred to in the Affidavit sworn by **DENNIS KAYOMBO MANO** filed herein.

Dated at Lusaka this 28 day of Aug 2026

BEFORE ME: _____

COMMISSIONER FOR OATHS

REPUBLIC OF ZAMBIA HIGH COURT OF ZAMBIA 28 AUG 2026 COMMISSIONER FOR OATHS P.O. BOX 50067, LUSAKA

IN THE HIGH COURT OF ZAMBIA 2026/HP/EP...0074..

AT THE PRINCIPAL REGISTRY

HOLDEN AT LUSAKA

(CIVIL JURISDICTION)

IN THE MATTER OF: ARTICLES 1(2), (3), 73(1)(a) AND 45(2)(a)(b) OF THE CONSTITUTION OF THE REPUBLIC OF ZAMBIA.

IN THE MATTER OF: SECTIONS 81,87,94,96 AND 97(1),2(b) (83) (2),99(a) OF THE ELECTORAL PROCESS ACT No.35 OF 2016.

IN THE MATTER OF: PART VIII OF THE ELECTORAL PROCESS ACT No.35 of 2016

IN THE MATTER OF: ZAMBEZI CENTRAL CONSTITUENCY ELECTIONS HELD ON THE 13TH AUGUST,2026.

IN THE MATTER OF: RULE 9(1) THE HIGH COURT (ELECTIONS PETITION) RULES,2026.

REPUBLIC OF ZAMBIA HIGH COURT OF ZAMBIA 27 AUG 2026 PRINCIPAL REGISTRY 1 P.O. BOX 50067, LUSAKA.

BETWEEN:

DENNIS KAYOMBO MANO PETITIONER

AND

RAPHAEL KAYOMBO NGIMBU RESPONDENT

AFFIDAVIT VERIFYING FACTS

I, **DENNIS KAYOMBO MANO** of Plot Number 21, Foxdale, off Zambezi Road, Lusaka in the Lusaka province of the Republic of Zambia, **DO HEREBY MAKE OATH AND SAY** as follows:

1. That my name and address are as stated above.
2. That I am a Zambian National.

3. That I am the Petitioner herein and by virtue thereof, I am competent to swear this Affidavit from matters within my own personal knowledge and facts.
4. That I was the Parliamentary candidate for Zambezi Central Constituency in the 2026 General Elections.
5. That the election was held on the 13th day of August, 2026 and I was adopted by the United Party for National Development (UPND). The Respondent contested as an independent candidate.
6. That only two (2) candidates contested in the said constituency namely Raphael Kayombo Ngimbu, the Respondent and myself.
7. That after voting, the Returning Officer declared the following results; Raphael Kayombo Ngimbu, 8,336 votes and Dennis Kayombo Mano 7,816 votes. There is now produced and shown to me a true copy of the Declaration of the Results Form marked **"DKM1".**
8. That consequently, on 15th August, 2026, the Electoral Commission of Zambia(ECZ) through the Returning Officer declared the Respondent as the duly elected Member of Parliament for Zambezi Central Constituency.
9. That the Respondent and his agents engaged in corrupt and illegal practices, bribery, undue influence, threats, intimidation, and violence in the said constituency at various polling stations.
10. That the Respondent, his agents and Campaign Manager named Bwalya Chikonde and Christopher Kasweka on various occasions on and before the day of elections threatened voters in all the seven (7) wards comprising of the forty-six (46) polling stations in Zambezi Central Constituency.

11. That on or about the 10th of August,2026 an associate or agent of the Respondent Masuwa Kasweka uttered threatening remarks on the WhatsApp Group called **'Zambezi Central MP Raphael Ngimbu'** to the effect that offensive weapons should be carried to the polling stations. There is now produced and shown to me is a true copy of the WhatsApp Group extract and a recording of the whattasap conversation marked **"DKM2"** and **''DKM3'** respectively.
12. That at Kanyilaba Polling Station in Chilenga Chizenzi Ward, the Respondent and his agents harassed the Presiding Officer Gladys Kavungu, took charge of the Polling Station and directed voters to vote for the Respondent. The said Presiding Officer was prevented from performing her functions.
13. That at on 13th August,2026, during elections at Zambezi Primary School Polling Station, the Respondent's agents namely Chikonde Bwalya and Katolo Lubambe were campaigning by saying ***''Nyananya*** '' meaning "do not tell them just vote for the 1st Respondent''**.**
14. That the Respondent, his agent and Campaign Manager, Christopher Kasweka continued to campaign on the day of voting and threatened that "voting is no longer a secret and whoever is going to vote the for UPND will be burnt alive''.
15. That during voting and counting at Chitokoloki polling Station, the Respondent and his agents threw stones at the polling station resulting in the voters running away for safety and could not vote. There is now produced and shown to me is true copy of the police report evidencing the violence marked **"DKM4".**
16. That at Lwampungwa Primary School Polling Station in Kasesi Chivweji Ward which has over 2500 registered voters, the Respondent's agent's among whom were Bwalya

Chikonde, Jordan Mundongo and Christopher Kasweka gave monies to voters. When confronted, they started throwing stones resulting in many voters running away and therefore they could not vote for a candidate of their choice. There is now produced and shown to me a flash disc containing a video of the said agents throwing stones marked **"DKM5".**

17. That at Kashona Polling Station, my team of monitors lead by the District Chairlady Regina Musowe Simundi and Geofrey Ibazi were intimidated and chased on the day of voting. There is now produced and shown to me a flash disk containing videos of the incident marked **"DMK6".**
18. That at Mapachi Chinyingi Ward, Mapachi Polling Station, my supporter Honourable Vumango Musumali was harassed and chased on the day of voting.
19. That the Respondent and his agents were extremely violent that most of my supporters failed to vote for fear of their lives. There is now produced and shown to me a copy of the police report marked **"DMK6a".**
20. That the Respondent and his agents were campaigning on the election day while the voters were waiting in lines to vote at all polling stations across the Zambezi Central Constituency.
21. That Respondent and his agents were seen and heard telling voters on the day of voting to vote for the Respondent.
22. That at Zambezi Correctional Facility Polling Station, the Respondent's agents namely, Chikonde Bwalya, Jordan Mundongo and Christopher Kasweka distributed monies to voters on the election day.

23. That at Kateta and Lwampungwa polling stations among others, the said agents for the Respondent distributed assorted foodstuffs as inducement to voters to vote for the Respondent.

24. That at Mukanda Nkunda Ward, the Respondent's agents Katolo Laston and Christopher Kasweka also distributed food staffs.

25. That at the close of the polls at Kateta 2 Polling Station my agents were chased away by the Respondent's agents thereby precluding my team from signing the GEN 20 Forms. There is now produced and shown to me a true copy of the GEN 20 Form marked **"DKM7".**

26. That consequently, the Presiding Officer, Francis Kangachepe took unsealed ballot boxes to the totalling Centre. There is now produced and shown to me a true copy of the picture showing unsealed ballot papers and a video showing tempering with ballot papers marked as **"DKM8"** and **"DKM9".**

27. That on the 14th of August, 2026, at Katenta polling station, the Respondent's agents, Jordan Mundongo attacked the Presiding Officer, grabbed the ballot boxes and tore ballot papers. There is now produced and shown to me a copy of torn ballot papers marked **"DKM10".**

28. That the said Jordan Mundongo has since been charged and arrested.

29. That at Kateta 2 Polling Station, there were 304 unaccounted for ballot papers by the Respondent as the polling station had received 950 ballot papers, of which 631 votes were cast, 626 were valid votes, 5 were rejected and 15 were unused.

30. That the Respondent's agents damaged, destroyed and threw away marked ballot papers before being counted and tallied. There is now produced and shown to me a true copy of the flash disk containing a video of damaged ballot papers marked **"DKM 11".**

31. That the polling officers at the said polling stations prevented the Petitioner's polling agents from verifying the results which were remitted to the Returning officer at the polling station as a result of violence occasioned by the Respondent's agents.

32. That I brought these irregularities and illegalities to the attention of the Returning Officers but I was advised seek legal redress. There is now produced and shown to me a true copy of the flash disk containing a video of a response from the Returning Officer saying go to court marked **"DKM 12".**

33. That the contents of this my Affidavit Verifying are true and correct to the best of my knowledge, information, and belief.

SWORN by the said)
DENNIS KAYOMBO MANO)
At Lusaka this 26th day of August 2026)

.....
DEPONENT
RAYMOND B. MUSUMALI
LLB (UNZA), AHCZ, ASCZ

BEFORE ME: .....
COMMISSIONER FOR OATHS
COMMISSIONER FOR OATHS.

IN THE MATTER OF: PART VIII OF THE ELECTORAL PROCESS ACT No.35 of 2016

IN THE MATTER OF: ZAMBEZI CENTRAL CONSTITUENCY ELECTIONS HELD ON THE 13TH AUGUST,2026.

IN THE MATTER OF: RULE 9(1) THE HIGH COURT (ELECTIONS PETITION) RULES,2026.

BETWEEN:

DENNIS KAYOMBO MANO PETITIONER

AND

RAPHAEL KAYOMBO NGIMBU RESPONDENT

REPUBLIC OF ZAMBIA ... 27 AUG 2026 ... P.O. BOX 50067, LUSAKA.

CERTIFICATE OF EXIHIBITS

These are the exhibits referred to in the affidavit verifying facts of **DENNIS KAYOMBO MANO** marked **"DKM1" - "DKM12"** shown before me.

Dated at Lusaka this 26th day of August 2026.

BEFORE ME: _____

RAYMOND B. MUSUMALI
LLB (UNZA), AHCZ, ASCZ
COMMISSIONER FOR OATHS

COMMISSIONER FOR OATHS