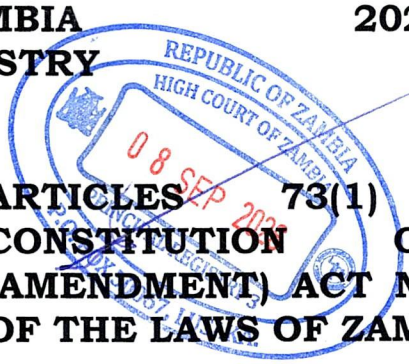
IN HIGH COURT FOR ZAMBIA **2026/HP/EP/031**
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(Election Jurisdiction)



IN THE MATTER OF: **ARTICLES 73(1) OF THE CONSTITUTION OF ZAMBIA (AMENDMENT) ACT NO. 2 OF 2016 OF THE LAWS OF ZAMBIA**

AND

IN THE MATTER OF: **SECTIONS 72,92,96.97.98.99 AND 100(1)(a) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016 OF THE LAWS OF ZAMBIA**

AND

IN THE MATTER OF: **PART III OF THE HIGH COURT (ELECTION PETITION) RULES 2026 OF THE LAWS OF ZAMBIA**

AND

IN THE MATTER OF: **AN ELECTION PETITION RELATING TO MSANZALA CONSTITUENCY PARLIAMENTARY ELECTIONS HELD ON THURSDAY,13th AUGUST 2026**

BETWEEN:

ELIAS DAKA (MALE) **PETITIONER**

AND

AMON MUMBA (MALE) **1st RESPONDENT**

ELECTORAL COMMISSION OF ZAMBIA **2nd RESPONDENT**

AFFIDAVIT IN OPPOSITION TO AFFIDAVIT VERIFYING FACTS

I, **AMON MUMBA**, a Zambian National, currently residing at Plot No. 10/30, Parliament Motel Longacres Area, Nangwenya Road, P.O. Box 31299, in City and Province of Lusaka in the Republic of Zambia, **DO HEREBY** make **OATH** and state as follows:

[1.] That I am the 1st Respondent in this matter and, by reason thereof, I am competent to swear to this Affidavit from facts within my own knowledge and from the official electoral process in which I participated.

[2.] That I was an Independent Candidate for election as Member of Parliament for Msanzala Parliamentary Constituency in the elections held on 13th August 2026, in which the Petitioner lost, but I emerged victorious as per the will of the people shown by the votes I got.

[3.] That I participated in the election throughout the electoral process and, from my observation, the election was conducted in an orderly manner, with the electorate casting their votes and the electoral officials undertaking the counting and tallying of the results in accordance with the law.

[4.] That I did not conduct the counting or verification of the votes, prepare the GEN20 Forms, control the tallying centre, or direct the Returning Officer in the performance of his duties.

[5.] That I am aware that results from the polling stations were verified and tallied by the electoral officials, but I was not responsible for the verification, printing or announcement of those results.

[6.] That I have read the Petitioner's Affidavit Verifying Facts and wish to respond as hereunder.

[7.] That paragraphs 1-4 of the Petitioner's Affidavit Verifying Facts are within the peculiar knowledge of the Petitioner.

[8.] That paragraph 5 of the Petitioner's Affidavit Verifying Facts is true. The Electoral Commission of Zambia conducted the election in a very professional, transparent, and diligent manner.

[9.] That paragraphs 6-7 of the Petitioner's Affidavit Verifying Facts are true.

[10.]That contrary to paragraph 8 of the Petitioner's Affidavit Verifying Facts, I never engaged in illegal and unfair conduct that purportedly influenced the result of the election. The Petitioner failed to report the alleged illegal and unfair conduct or practices to any Law Enforcement Agency, and has failed to produce any official report or documentation confirming that such reports were made.

[11.]That paragraphs 9(a) (i-v) and 9(b)(i-iii), 9(c)(i) of the Petitioner's Affidavit Verifying Facts are disputed as the same are not true. The said paragraphs have not been attributed to myself. The Petitioner will be put to strict and authentic documentary proof at the hearing of this matter.

[12.]That the purported video evidence has not been attached as an exhibit to the Petitioner's Affidavit thereby not giving me an opportunity to examine and respond to the purported video. I will object to the production of the said video.

[13.]That I deny the allegations contained in paragraph 4(d) of the Petitioner's Affidavit Verifying Facts. The Petitioner failed to report the alleged corrupt or illegal practices to any Law Enforcement Agency, and has failed to produce any official report or documentation confirming that such reports were made or that the alleged illegal acts were committed by me.

[14.]That I deny the allegations contained in paragraph (d)(i) of the Petitioner's Affidavit Verifying Facts. The Petitioner has failed to provide any documentary or probative evidence to support the allegations of bribery and corruption. That neither I nor my agents distributed money or resources to voters, and I further note that the Petitioner has failed to specify the manner in which the alleged funds were distributed.

[15.]That I deny the allegations contained in paragraph (d)(ii) of the Petitioner's Affidavit Verifying Facts. The party agents do not possess the mandate or capacity to assign or alter votes; their role is strictly limited to witnessing and verifying the tabulation of votes. The votes accrued by myself reflects the lawful will of the electorate of Msanzala Constituency, as officially verified and declared by the Electoral Commission of Zambia.

[16.]That I deny the allegations contained in paragraph 10 of the Petition. I will show at the hearing that the Petitioner did not report the purported allegations to any Law Enforcement Agency and has failed to produce any of the un-marked campaign materials alleged to have been distributed.

[17.]That I deny the allegations contained in paragraph 11 of the Petition and puts the Petitioner to the strictest proof thereof.

[18.]That I deny the allegations contained in the paragraph 12 of the Petition. The Msanzala Constituency election was conducted by the Electoral Commission of Zambia in a lawful, transparent, and professional manner. Prior to the declaration of results, the Petitioner explicitly affirmed his satisfaction with the handling of the election and the tabulation process. My agents and I never committed any illegal activities and no Law Enforcement Agency has summoned me to

appear and answer to the purported and imaginary illegal activities being alleged by the Petitioner.

[19.] That I am aware that, upon completion of the tallying process conducted by the Electoral Commission of Zambia, I received **7, 038 votes**, while the Petitioner received **1, 416 votes**, the difference between the votes I received and those received by the Petitioner was **5, 622 votes** in my favour. The Petitioner has not produced evidence to show that I induced the **7, 038** voters to vote for me after allegedly giving them unmarked chitenge materials.

[20.] That following the tallying of the results, the Returning Officer declared me duly elected as Member of Parliament for Msanzala Constituency. The Petitioner did not write to the Electoral Commission of Zambia to challenge the said declaration. This Petition is an afterthought and should not be entertained.

[21.] That I have no knowledge of any alleged alteration, inflation or manipulation of the votes attributed to me or the 2nd Respondent at any of the polling stations.

[22.] That I did not inflate, alter or cause to be altered any votes recorded in my favour at any polling station neither am I aware of any polling station where I was allocated votes exceeding the total number of votes cast at that polling station.

[23.] That I did not count, verify or allocate the votes recorded in my favour, and I did not prepare any of the electoral returns upon which the results were announced and I was not aware and still remain unware of any discrepancy in the electoral results at the time I was declared duly elected and, from my participation in the election, I understood the process to have proceeded properly.

[24.] That I have not, at any time, declared myself the winner of the election; rather, I was declared duly elected by the Returning Officer upon the results announced at the Tallying Centre.

[25.] That, further and insofar as I am aware, the election in Msanzala Constituency was conducted through a transparent, simple and orderly electoral process and in accordance with the prescribed procedure governing elections in Zambia, and I verily believe that the Petitioner is not entitled to the reliefs sought; nor would he suffer any prejudice if this Petition is dismissed and the election and declaration made by the Returning Officer upholding my election is upheld by this Honourable Court.

[26.] That documents (Gen 20s in the possession of the 2nd Respondent and other documents) show that I was at all material times the people's favorite. The People of Msanzala Constituency are happy with the *victory* that was declared by the 2nd Respondent.

[27.] That the Petitioner has failed to satisfy the threshold required to nullify the Parliamentary Election held on 13th August, 2026 for the seat of Msanzala Constituency.

[28.] That the Petition ought to be dismissed with costs of and incidental to this action.

[29.] That what I have deposed to herein is true and correct to the best of my knowledge, information and belief.

SWORN AT LUSAKA BY THE SAID)
AMON MUMBA)

This...8... day of ...Sept...2026) **DEPONENTS SIGNATURES**

BEFORE ME.....

COMMISSIONER FOR OATHS

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