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

2026/HP/EP/ 034



IN THE MATTER OF:	**ARTICLE 73 (1) OF THE CONSTITUTION OF ZAMBIA (AMENDMENT) ACT NO. 2 OF 2016 OF THE LAWS OF ZAMBIA**
IN THE MATTER OF:	**SECTIONS 55, 81, 83, 86, 87, 89, 96, 97, 98, 99, 100, 106, 107 AND 108 OF THE ELECTORAL PROCESS ACT No. 35 OF 2016 OF THE LAWS OF ZAMBIA**
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 SENGA HILL CONSTITUENCY PARLIAMENTARY ELECTIONS HELD ON THURSDAY, 13TH AUGUST, 2026**

BETWEEN:

SAFELI MULENGA (MALE)	**PETITIONER**
AND	
MUKWAVI C. SICHULA	**1ST RESPONDENT**
ELECTORAL COMMISSION OF ZAMBIA	**2ND RESPONDENT**

ELECTION PETITION

The Petition of **SAFELI MULENGA** a Zambian National who ordinarily resides at Plot No.6282 Mukurupe Kasama in the Northern Province of the Republic of Zambia, whose address for service, for purposes of this Petition, is; *Messrs. Muma Mpempa Legal Practitioners* of Plot No.9039 Chimutinta Close in Woodlands, Off Buluwe Road, Adjacent to Harvest Filing Station Lusaka, Private Bag E891, Manda Hill Shopping Mall Lusaka, of the City and Province of Lusaka of the Republic of Zambia Email: business@mlp.co.zm **SHOWETH THAT**:

1. **The Petitioner**

1.1 THE Petitioner was a Candidate adopted under the *United Party for National Development* (**"UPND"**) who participated in the immediate passed General Elections as an aspiring Member of Parliament (**"MP"**) for Senga Hill Constituency (**"Senga Hill"**) parliamentary elections held on the 13th August, 2026 (**"Election Day"**).

2. **The Respondents**

2.1 The 1st Respondent was an independent candidate who participated as an aspiring MP for Senga Hill parliamentary seat on the Election Day.

2.2 The 2nd Respondent is a body Corporate established under the *Article 229 of the Constitution* and the *Electoral Commission of Zambia Act No. 25 of 2016* as amended by *Act No. 5 of 2019* and whose function are as provided under *Article 229 (2) of the Constitution* to Implement the electoral process.

3. **Facts in support of the Petition**

3.1 **The** Petitioner was a Candidate adopted under the UPND, and participated in the immediate passed General Elections as an aspiring MP for Senga Hill parliamentary elections held on the Election Day.

3.2 Senga Hill has ten (10) wards namely;

i. Chela ward;

ii. Mwiluzi ward;

iii. Luombe ward;

iv. Chimbili ward;

v. Lampisha ward;

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vi. Chinyika Ward;

vii. Malamba Ward;

viii. Mukololo Ward;

ix. Impembe ward; and

x. Chozi ward.

3.3 The total number of registered voters in Senga Hill was *Fifty-Two Thousand, three Hundred and Eighty* (**52,380**).

3.4 That during the campaign period, the 1st Respondent issued disparaging remarks against your Petitioner in all ten (10) wards under Senga Hill by stating that the 1st Respondent deals in rituals thus instilling fear into the minds of the Electorate, and consequently casting your Petitioner in bad light *vis-a-viz* the Electorate in Senga Hill, which actions adversely affected your Petitioner.

3.5 The 1st Respondent further informed the Electorate in in all ten (10) wards of Senga Hill that if they voted for the Petitioner whom the 1st Respondent labelled as a Ritualist during his campaigns, all their children will be sold by the Petitioner for his alleged ritual practices.

3.6 On Election Day, the 1st Respondent, his Agents and Cadres were ferrying voters to various polling stations in Senga Hill in the following wards.

i. Lampisha ward;

ii. Chinyika Ward;

iii. Malamba Ward;

iv. Mukololo Ward;

v. Impembe ward; and

vi. Chozi ward.

3.7 Further, on Election Day, the 1st Respondent, his Agents and Cadres were threatening violence and intimidating voters at various polling stations in the following wards;

i. Chimbili ward;

ii. Lampisha ward;

iii. Chinyika Ward;

iv. Malamba Ward;

v. Mukololo Ward;

vi. Impembe ward; and

vii. Chozi ward.

that if they did not vote for the 1st Respondent then they were going to be beaten up.

3.8 On the 14th Day of August, 2026 (**"Material Day"**), the 2nd Respondent suspended the counting and announcement of results throughout the country through a press release issued through the media.

3.9 On the Material Day, the Petitioner was only informed that the 2nd Respondent had lifted the suspension of the counting and announcement of the votes, and when his campaign manager visited some of the polling stations he discovered that; indeed, it was true that the 2nd Respondents Agents had since resumed counting and announcing results.

3.10 Furthermore, on the said Material Day, the 1st Respondent stormed the Totaling Centre at Chanda Yemba Polling Station (the **"Totaling Centre"**) in the company of about forty (40) – fifty (50) of his Cadres, whom he described as 'his boys' telling the Returning Officer who is an Agent of the 2nd Respondent with words to the following effect;

> *"If you don't tell me anything that will satisfy me right now, I will not be able handle my boys because you are not showing any transparency in your dealings, you want to rig elections to give to your Candidates who you believe has won"*

3.11 Following the events as above, and after the suspension of the Counting and announcement of the results throughout the Country the Returning Officer who is an Agent of the 2nd Respondent announced the results as follows;

i. **Sichula C. Mukwavi ---------- 9,661 votes**

ii. **Mulenga Safeli ---------- 6,265 votes**

iii. **Nsokolo Bentry ---------- 4,023 votes**

iv. **Lungu Matidah ---------- 1,733 votes**

v. **Sikazwe Henry ---------- 1,341 votes**

vi. **Chila Derrick ---------- 564 votes**

3.12 the 1st Respondent was accordingly declared winner for the for Senga Hill parliamentary elections held on Election Day.

4. **Particulars of irregularity**

The particulars of irregularity are as follows:

4.1 The 1st Respondent contravened the Electoral Code of Conduct (the **"ECC"**) by referring to the Petitioner as a Ritualist who was going to sell the Electorate's children when elected as a MP for Senga Hill, which actions adversely affected your Petitioner.

4.1. the 1st Respondent contravened the Electoral Process Act (**"EPA"**) and ECC by ferrying voters to polling stations and intimidating voters at polling stations with the threat of being beaten if they voted for any other person other than the 1st Respondent.

4.2. The 1st Respondent and/or through his Cadres contravened the EPA and ECC by 'campaigning' at various polling stations on Election Day by inducing the Electorate to vote for him by way of ferrying voters to various polling station.

4.3. The 1st Respondent contravened the EPA by interfering with the Returning Officer and other election officers under the employ of the 2nd Respondent in the execution of their duties at the Totaling Centre.

4.4. *Failure by the 2nd Respondent to conduct the elections in a transparent manner in* accordance with the EPA and ECC by failing to communicate with the 1st Respondent when it suspended the counting and announcement of results on the Material Day, as well as failing to communicate with the 1st Respondent when it lifted the suspension of the *counting and announcement of results*.

THE PETITIONER, therefore, prays that it is granted the following reliefs:

i. A declaration that the election of the 1st Respondent as Member of Parliament for Senga Hill in the parliamentary elections held on Election Day is null and void;

ii. A declaration that the 1st Respondent was not duly elected MP for Senga Hill on Election Day;

iii. An Order for the 2nd Respondent to call for fresh nominations within 90 days from the date of Judgment of this Honorable Court declaring the Seat vacant;

iv. Any other relief the Court may deem feet; and

v. Costs.

The Petitioner will ever pray.

PETITIONER

Dated at Lusaka this _____ Day of _____ 2026

Drawn by: **Messrs. Muma Mpempa Legal Practitioners** of House No.2 Plot No.9039 Chimutinta Close in Woodlands, Off Buluwe Road, Adjacent to Harvest Filing Station Lusaka, Private Bag E891, Manda Hill Shopping Mall Lusaka, of the City and Province of Lusaka of the Republic of Zambia Email: business@mlp.co.zm, website: www.mlp.co.zm – Advocates for the Petitioner

Per: Messrs. Muma Mpempa Legal Practitioners
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Woodlands, Off Buluwe Road
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Private Bag E891, MandaHill
Lusaka, Zambia
Email:business@mlp.co.zm
Advocates for the Petitioner

To: The 1st Respondent

Senga Hill, Northen Province
Zambia.

The 2nd Respondent

Elections House, Haile Selassie Avenue
Longacres, P.O Box 50274
Lusaka, Zambia

Drawn by: **Messrs. Muma Mpempa Legal Practitioners** of House No.2 Plot No.9039 Chimutinta Close in Woodlands, Off Buluwe Road, Adjacent to Harvest Filing Station Lusaka, Private Bag E891, Manda Hill Shopping Mall Lusaka, of the City and Province of Lusaka of the Republic of Zambia Email: business@mlp.co.zm, website: www.mlp.co.zm – Advocates for the Petitioner

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

2026/HP/EP/ 034

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BETWEEN:

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AND

MUKWAVI C. SICHULA **1ST RESPONDENT**

ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

LIST OF AUTHORITIES

(Pursuant to Rule 9 (3) of the High Court (Election Petition) Rules of 2026 of the Laws of Zambia)

The following is a list of the Petitioner's authorities and copies thereof.

1. The Constitution of Zambia (Amendment) Act, Number 2 of 2016.
2. The Electoral Process Act, Number 35 of 2016
3. The High Court (Election Petition) Rules, 2026

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Dated at Lusaka this _____ Day of _____ 2026

Per: Messrs. Muma Mpempa Legal Practitioners
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Advocates for the Petitioner

To: The 1st Respondent

Senga Hill, Northen Province
Zambia.

The 2nd Respondent

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Longacres, P.O Box 50274
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REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
31 AUG 2026
PRINCIPAL REGISTRY 1
P.O. BOX 50067, LUSAKA.

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AND

MUKWAVI C. SICHULA **1ST RESPONDENT**

ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

LIST AND DESCRIPTION OF DOCUMENTS TO BE RELIED ON

(Pursuant to Rule 9 (3) of the High Court (Election Petition) Rules of 2026 of the Laws of Zambia)

The following is a list and description of documents to be relied on by the Petitioner;

Item No.	Description of Document
1.	Petitioner's National Registration Card.
2.	Petitioner's Voter's Card.

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3. Petitioner's United Party for National Development Adoption Certificate.

4. Declaration of Results of the Poll - National Assembly.

5. Gen 20 Forms.

6. Electoral Commission of Zambia communique suspending the counting and announcing of results.

Dated at Lusaka this _____ Day of _____ 2026

Per: Messrs. Muma Mpempa Legal Practitioners
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REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
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ELECTORAL COMMISSION OF ZAMBIA	**2ND RESPONDENT**

SKELETON ARGUMENTS FILED IN SUPPORT OF ELECTION PETITION

IF IT MAY PLEASE THIS HONOURABLE COURT, these are the Petitioner's Skeleton Arguments filed in support of Election Petition challenging the validity of the declaration of election of the 1st Respondent as Member of Parliament for Senga Constituency on 13th August, 2026. The Petitioner shall therefore rely on the following authorities:

LEGISLATION:

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1. The Constitution of Zambia (Amendment) Act No. 2 of 2016;

2. The Electoral Process Act No. 35 of 2016;

3. The High Court (Election Petition) Rules, 2026

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INTRODUCTION

My Lord/My Lady, at this Juncture, is the Petitioner's submission that what needs to be determined is whether the Petition herein has been properly brought before the Court.

THE LAW UPON WHICH THE PETITION IS PREMISED

The **Constitution of Zambia (Amendment) Act No. 2 of 2016** demands compliance by political parties and candidates participating in elections to comply with electoral code of conduct. Article 54 of the Constitution therefore provides that;

> ***'A candidate and a political party shall comply with a prescribed electoral code of conduct.'***

Therefore, failure to comply with the electoral code of conduct can give rise to an election petition challenging the election of a Member of Parliament. Under of **Article 73 (1) of the Constitution of Zambia (Amendment) Act No. 2 of 2016**, it is provided that;

> ***'A person may file an election petition with the High Court to challenge the election of a Member of Parliament.'***

Taking into consideration the foregoing authority, the **Electoral Process Act No. 35 of 2026** under Part VIII provides for various election offences upon which an election of Member of Parliament may be challenged. **Section 96 of the Act** provides;

> ***"(1) A question which may arise as to whether—***
>
> ***(a) A person has been validly appointed or nominated as a Member of Parliament;***
> ***(b) the seat of an elected or nominated Member of Parliament, mayor, council chairperson or councilor, has become vacant, other than a question arising from the election of a candidate as a Member of the Parliament; or***
> ***(c) A petition may be heard and determined by the High Court or tribunal upon application made by—***

(i) Any person to whom the question relates; or

(ii) The Attorney General; may be determined by the High Court or a tribunal, as the case may be.

(2) A person who makes an application to the High Court or a tribunal under subsection (1), has the right to appear and be represented before the High Court or tribunal.

(3) Subject to any rules of court or tribunal, the powers, practice and procedure of the High Court or a tribunal in respect of the trial of an election petition under this Part shall apply, with the necessary modifications, to the hearing and determination of such applications.

Further, **Section 97 of the Act** also provides that;

(1) An election of a candidate as a Member of Parliament, mayor, council chairperson or Councillor shall not be questioned except by an election petition presented under this Part.

(2) The election of a candidate as a Member of Parliament, mayor, council chairperson or councilor shall be void if, on the trial of an election petition, it is proved to the satisfaction of the High Court or a tribunal, as the case may be, that—

(a) A corrupt practice, illegal practice or other misconduct has been committed in connection with the election—

(i) By a candidate; or

(ii) With the knowledge and consent or approval of a

candidate or of that candidate's election agent or polling agent; and the majority of voters in a constituency, district or ward were or may have been prevented from electing the candidate in that constituency, district or ward whom they preferred;

(b) subject to the provisions of subsection (4), there has been non-compliance with the provisions of this Act relating to the conduct of elections, and it appears to the High Court or tribunal that the election was not conducted in accordance with the principles laid down in such provision and that such non-compliance affected the result of the election;

Section 98 also the Act further provides that;

An election petition may be presented to the High Court or a tribunal by one or more of the following persons:

(a) A person who lawfully voted or had a right to vote at the election to which the election petition relates;

(b) A person claiming to have had a right to be nominated as a candidate or elected at the election to which the election petition relates;

(c) A person claiming to have been a candidate at the election to which the election petition relates; and

(d) The Attorney General.

The Act further provides under **Section 99** that;

Any of the following reliefs may be claimed in an election petition:

(a) A declaration that the election was void; or

(b) A declaration that any candidate was duly elected.

In accordance with above provisions, the **HIGH COURT (ELECTION PETITION) RULES OF 2026** provides a guide to the contents of an election petition and how the election petition should be filed. The said section provides as follows:

"9. (1) A person who intends to challenge the election of a Member of Parliament shall file an election Petition in Form III set out in the First Schedule on payment of a fee set out in the Second Schedule.

(2) An Election Petition referred to under sub rule (1) shall disclose the-

(a) Name and address of a petitioner or the petitioner's legal practitioner, if any;

(b) Constituency in which an election petition being challenged was held;

(c) Outcome or results of an election petition being challenged;

(d) Date of declaration of the results of an election being challenged;

(e) Grounds relied on; and

(f) Relief sought by a petitioner.

(3) An election petition referred to under sub rule (1) shall be accompanied by-

(a) An affidavit verifying facts;

(b) Skeleton arguments of not more than fifteen pages, in font size 12 and with double spacing;

(c) List of authorities and copies of those authorities;

(d) A list and description of documents, if any.

My Lord/My Lady, in the case in casu, the Petitioner filed this petition aimed at invalidating the election of the 1st Respondent as Member of Parliament for Senga Constituency and the Petitioner

in his petition has alleged non-compliance with the Electoral Process Act particularly under the provisions of Section 83, 83, 86,87,89,96,97,98,99,100,106,107 and 108.

My Lord/My Lady, the Petitioners thus contends that the Petition before you is properly before this Honourable Court.

So we pray

Dated at Lusaka this _____ Day of _____ 2026

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Advocates for the Petitioner

To: The 1st Respondent

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