IN THE HIGH COURT FOR ZAMBIA 2026/HP/EP/034

AT THE PRINCIPAL REGISTRY

HOLDEN AT LUSAKA

(Election Jurisdiction)

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
11 SEP 2026
PRINCIPAL REGISTRY 5
P.O. BOX 50067, LUSAKA

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:	**SECTION 55,81,86,87,89,96,97,98,99,100,106,107 AND 108 OF THE ELECTORAL PROCESS ACT, NO. 35 OF 2016.**
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 THURDAY, 13TH AUGUST, 2026.**

BETWEEN:

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

AFFIDAVIT IN SUPPORT OF NOTICE OF MOTION TO RAISE A PRELIMINARY ISSUE ON A POINT OF LAW

I, BENJAMIN ZULU, a Zambian National residing at Plot No. 17, Kabulonga Road, Kabulonga, pin the City and Province of Lusaka in the Republic of Zambia **DO** hereby **MAKE OATH** and **SAY** as follows:

1. That the foregoing are my particulars.

2. That I'm an Advocate of the Supreme Court of Judicature of Zambia and Counsel seized with the conduct of this matter on behalf of the 1st Respondent and by reason thereof, competent to depose to the veracity of the facts encapsulated in this Affidavit which facts are within my personal knowledge and belief which I stumbled upon by reason of my idiosyncratic position of privilege.

3. That the Petitioner issued out of the Principal Registry of the High Court on the **31st day of August, 2026**, a copy of the Election Petition and the accompanying documents as the record will show.

4. That the said Petition was served on the 1st Respondent with its accompanying documents.

5. That a perusal of the said documents revealed that copies of the authorities relied upon by the Petitioners was missing from the record as indicated by the letter of service. Now produced and shown to me marked **"BZ 1"** is a true copy of the Petitioner's Letter of Service.

6. That in order to make sure that was the case, I conducted a search at the High Court to determine whether that was an oversight but the search also revealed that the said documents were missing from the official record. Now produced and shown to me marked **"BZ 2"** is a true copy of the said Search Form.

7. That it is clear that the said Petition violates the High Court (Election Petition) Rules, S.I. No. 31 of 2026 and is improperly before this Honourable Court.

8. That I depose to the facts herein verily believing the same to be true and correct to the best of my knowledge and belief.

SWORN by the said **BENJAMIN ZULU}**

At Lusaka this 11---day of ---Sept---2026}

DEPONENT

BEFORE ME: ----------}

COMMISSIONER FOR OATHS

REPUBLIC OF ZAMBIA
11 SEP 2026
COMMISSIONER FOR OATHS
P.O. BOX 50067, LUSAKA

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ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

REPUBLIC OF ZAMBIA HIGH COURT OF ZAMBIA 11 SEP 2026 PRINCIPAL REGISTRY 5 P.O. BOX 50067, LUSAKA

CERTIFICATE OF EXHIBITS

These are the exhibits referred to in the Affidavit of **BENJAMIN ZULU** respectively marked **"BZ 1" – "BZ 2."**

Dated at Lusaka this 11 day of Sept 2026.

BEFORE ME: ----------

COMMISSIONER FOR OATHS

REPUBLIC OF ZAMBIA HIGH COURT OF ZAMBIA 11 SEP 2026 COMMISSIONER FOR OATHS 1 P.O. BOX 50067, LUSAKA

"BZ1"

Muma Mpempa Legal Practitioners
Plot No.9039, House No.2 Chimutinta Close,
Woodlands, Off Buluwe Road
Adjacent to Harvest Filing Station
Private Bag E891, Manda Hill
Lusaka, Zambia
Email: business@mlp.co.zm
Website: www.mlp.co.zm

The 2nd Day of September, 2026

Messrs. OMM Banda & Company
Plot No. 18942, Lubansenshi Close,
Off Katima Mulilo Road
Lusaka.

Att; J. Kachimwa

Dear Sir,

Re: Safeli Mulenga (Male) vs Mukwavi C. Sichula & Electoral Commission of Zambia- 2026/HP/EP/034

We refer to the above captioned matter.

Please find enclosed herein the following Court documentation by way of service upon yourselves:

1. Election Petition;
2. Affidavit Verifying Facts;
3. Notice of Payment of Security for Costs into Court;
4. List and Description of Documents to be Relied on;
5. List of Authorites;
6. Skeleton Arguments Filed in Support of Election Petition; and
7. Bundles of Documents: X not recieved.

In the intervening period, kindly acknowledge safe receipt of this letter and its enclosures by signing on our return copy.

Yours sincerely,

Messrs. Muma Mpempa Legal Practitioners

1BZ24

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
11 SEP 2026
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ELECTORAL COMMISSION OF ZAMBIA 2ND RESPONDENT

SEARCH FORM

SEARCH for status of the proceedings.

There are no copies of authorities filed by the petitioner.

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

Settled by Counsel of: Messrs. GM Legal Practitioners,

Plot No. 17, Kabulonga Road,

Kabulonga,

LUSAKA.

ADVOCATES FOR THE 1ST RESPONDENT