IN THE HIGH COURT FOR ZAMBIA **2026/HP/EP/017**
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(Civil Jurisdiction)

IN THE MATTER OF: **THE PARLIAMENTARY ELECTION PETITION FOR ISOKA CONSTTUENCY NUMBER 88 SITUATE IN THE ISOKA DISTRICT OF THE MUCHINGA PROVINCE OF THE REPUBLIC OF ZAMBIA HELD ON 1 3TH AUGUST 2026**

AND
IN THE MATTER OF: **ARTICLE 73 (1) OF THE CONSTITUTION OF ZAMBIA AS READ WITH SECTION 98 (C) OF THE ELECTORAL PROCESS ACT NUMBER 35 OF 2016**

AND
IN THE MATTER OF: **SECTION 83 OF THE ELECTORAL PROCESS ACT NO.35 OF 2016**

AND
IN THE MATTER OF: **SECTION 97 OF THE ELECTORAL PROCESS ACT NUMBER 35 OF 2016**

AND
IN THE MATTER OF: **SECTIONS 98, 99 AND 100 OF THE ELECTORAL PROCESS ACT NO.35 OF 2016**

AND
IN THE MATTER OF: **THE SCHEDULE TO THE ELECTORAL PROCESS ACT NO. 35 OF 2016**

AND
IN THE MATTER OF: **THE ELECTORAL (CODE OF CONDUCT) REGULATIONS 2011 STATUTORY INSTRUMENT NO.52 OF 2011**

AND
IN THE MATTER OF: **THE ELECTORAL COMMISSION OF ZAMBIA ACT NO. 25 OF 2016**

HIGH COURT OF ZAMBIA
17 SEP 2026
PRINCIPAL REGISTRY 6
P.O. BOX 50067, LUSAKA

BETWEEN:

NAKAPONDA MARJORIE **PETITIONER**

AND

SICHONE MALOZO **1ST RESPONDENT**

THE ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

PETITIONER'S LIST AND DESCRIPTION OF DOCUMENTS

The following is the list of documents relating to the matter in question in this suit which have been in the possession of the above-named Petitioner and are served in compliance with the provisions of High Court (Electoral Petition) Rules,2026. Statutory Instrument 31of 2026.

1. The Petitioner has in her possession or power, the documents relating to the matter in question in this suit set forth in the first and second schedule hereto.
2. The Petitioner object to the production of the documents set forth in Part II of the said First Schedule on the grounds that the same are privileged and came in existence and were made after litigation was in contemplation and in view of such litigation for the purpose of obtaining for and furnishing the Petitioner's advocates with evidence and instructions as to the evidence which will be obtained and otherwise advise the Petitioner.
3. The Petitioner has in possession, custody or power documents relating to the matters in question in this action enumerated in the Second Schedule hereto.
4. Neither the Petitioner nor her advocates have possession, custody or power of any document of any description whatsoever relating to any matters in question in this action other than the documents enumerated in the First and Second Schedules.

FIRST SCHEDULE
PART I

ITEM	**DESCRIPTION OF DOCUMENTS**	**DATE.**
1.	Electoral Commission of Zambia Letter Letter to More Than One Candidate	22/05/26
2.	Police Medical Report	24/08/26
3.	Police Medical Report	24/08/26
4.	Police Statement issued by Maxwell Sichamba	19/08/26
	Police Statement issued by Luka Siame	13/08/26
5.	Police Statement issued by Obert Sinkala	24/08/26
6.	Police Report to the officer charge by the Assistant Supretendant Mr. Mwiinga	20/08/26
7.	Police Report to the officer in charge by Inspector Mwenya	24/08/26
8.	Police Report to the officer in charge by	

	Constable Maluba Eddie	
9.	Police Report to the officer in charge by Wildlife Police Officer Lyson Miti	13/08/26
10.	Affirmation/Oath taken by Derick Mutambo	01/08/26
11.	Picture showing police officer retrieving a shot button from Derick Mutambo	13/08/26
12.	Picture showing police officer retrieving weapons	13/08/26
13.	Picture showing police officer retrieving weapons	13/08/26
14.	Gen 20b Form for Isoka Constituency. Member of Parliament	15/08/26

PART II

Correspondence passing between the Petitioners and their advocates, draft pleadings, documents prepared, or which came into existence for the purpose of this action and as such are privileged in nature.

SECOND SCHEDULE

Originals of all those documents referred to in Part I of the First Schedule and are in possession of the Respondents.

Dated at Lusaka this_____ day of_____ 2021

Per: _____

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

2026/HP/EP/017

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
11 SEP 2026
PRINCIPAL REGISTRY

IN THE MATTER OF: **THE PARLIAMENTARY ELECTION PETITION FOR ISOKA CONSTTUENCY NUMBER 88 SITUATE IN THE ISOKA DISTRICT IN THE MUCHINGA PROVINCE OF THE REPUBLIC OF ZAMBIA HELD ON 13TH AUGUST 2026**

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IN THE MATTER OF: **THE ELECTORAL COMMISSION OF ZAMBIA ACT NO. 25 OF 2016**

BETWEEN:
NAKAPONDA MARJORIE — **PETITIONER**

AND

SICHONE MALOZO — **1ST RESPONDENT**

THE ELECTORAL COMMISSION OF ZAMBIA — **2ND RESPONDENT**

SKELETON ARGUMENTS IN OPPOSITION

LIST OF AUTHORITIES

LEGISLATION

1. High Court (Election Petition) Rules, 2026 — Rules 9(6) and 9(7).

CASE LAW

1. Citibank Zambia Limited v Suhayl Dudhia (Appeal No. 6 of 2022) [2023] ZMSC 1
2. Glocom Marketing Limited v Contract Haulage Limited (1998/HP/787) [2010] ZMHC 5; reported as (2011) ZR 482

INTRODUCTION

MAY IT PLEASE THIS HONOURABLE COURT

1. That these are Skeleton Arguments are filed on behalf of the Petitioner in opposition to the Respondent's application founded principally upon Rules 9(6) and 9(7) of the High Court (Election Petition) Rules, 2026. The Respondent's contention, in substance, is that the Petition ought not to proceed on account of an alleged failure by the Petitioner to deposit security for costs within the period prescribed under Rule 9(6).

MY LADY, The Petitioner respectfully submits that the Respondent's interpretation fails to give effect to the plain and ordinary meaning of the words employed by the Legislature, particularly the words **"as the Court may order".**

The Petitioner's position is that Rule 9(6) contemplates an order of the Court determining the security for costs to be deposited. It is for that very reason that the Petitioner approached this Honourable Court seeking an order as to security for costs.

The Petitioner has never refused to provide security. The Petitioner remains ready and willing to deposit such security as this Honourable Court may, upon consideration of the circumstances of the matter, order.

THE LAW

MY LADY, Rule 9(6) of the High Court (Election Petition) Rules, 2026 provides:

> ***"Subject to the Act, a Petitioner shall, within five days of filing an election petition deposit security for costs not exceeding eight thousand fee units as the Court may order."***

Rule 9(7) further provides:

> ***"Where a petitioner fails to deposit security for costs in accordance with sub rule (6), a court shall not hear and determine an election petition or any other proceedings relating to that election petition."***

MY LADY, the governing principle of statutory interpretation is that the Court must first consider the plain language of the legislation. In ***Citibank Zambia Limited v Suhayl Dudhia (Appeal No. 6 of 2022) [2023] ZMSC 1***, the Supreme Court stated that the default position is to consider the plain language of the statute and, where the language is simple and unambiguous, to apply it according to its terms. The same authority recognises that the literal meaning may be departed from where its application would produce an absurd or unjust result. The Petitioner's case, however, is that giving effect to the words **"as the Court may order"** produces neither absurdity nor injustice; rather, it gives effect to the express language of Rule 9(6).

MY LADY, In ***Glocom Marketing Limited v Contract Haulage Limited***, the High Court held that security for costs is intended to protect a party against being unable to enforce a costs order which may subsequently be obtained, and that an order for security is not to be made freely but upon consideration of all the circumstances of the case.

SKELETON ARGUMENTS

1. THE PLAIN AND ORDINARY MEANING OF RULE 9(6) REQUIRES A COURT ORDER

MY LADY, It is a settled principle of statutory interpretation that where the language of legislation is clear and unambiguous, the Court should give effect to the words used by the Legislature. In ***Citibank Zambia Limited v Suhayl Dudhia (Appeal No. 6 of 2022) [2023] ZMSC 1***, the Supreme Court reaffirmed that the interpretative process ordinarily begins with the plain language of the statute and that, where the language is simple and unambiguous, it must be applied according to its terms.

MY LADY, applying the principle citied abovementioned to Rule 9(6), the words **"as the Court may order"** cannot simply be ignored. The rule does not provide that every Petitioner must automatically deposit eight thousand fee units. It provides for security **"not exceeding eight thousand fee units as the Court may order".** The wording therefore expressly contemplates an order of the Court determining the security payable.

MY LADY, The Respondent's interpretation would effectively render the words "as the Court may order" otiose. This Honourable Court is respectfully urged to give meaning and effect to every material word of the provision.

2. RULE 9(7) MUST BE READ TOGETHER WITH RULE 9(6)

MY LADY, Rule 9(7) provides a consequence where a Petitioner fails to deposit security "in accordance with sub rule (6)". The sanction in Rule 9(7) must therefore be read in the context of the obligation created by Rule 9(6). Where Rule 9(6) expressly contemplates security **"as the Court may order"**, the Petitioner cannot reasonably be expected to guess the amount which the Court may ultimately determine.

MY LADY, We contend that the Respondent cannot therefore rely on Rule 9(7) in isolation while disregarding the qualifying words in Rule 9(6). The Petitioner respectfully submits that the consequence under Rule 9(7) arises only upon a failure to comply with the requirement properly established under Rule 9(6).

3. THE PETITIONER'S APPLICATION WAS MADE TO FACILITATE COMPLIANCE

MY LADY, The application made by the Petitioner to amend clerical errors and leave to pay security for costs which was not an attempt to avoid the requirement for security for costs. On the contrary, the application was made precisely because the Petitioner sought to comply with the Rules and obtain an order determining the appropriate security.

MY LADY, The Petitioner has at all material times been willing to deposit security for costs into Court. The Petitioner's approach was therefore a proper and prudent course in circumstances where there was no order specifying the amount to be deposited. It would be contrary to the interests of justice to penalise the Petitioner for approaching the Court for the very order contemplated by Rule 9(6).

4. THE RESPONDENT'S OWN BUNDLE DOES NOT ESTABLISH THAT AN ORDER FOR SECURITY WAS MADE

MY LADY, The Respondent's own bundle of documents does not demonstrate that this Honourable Court previously made an order specifying the amount of security for costs which the Petitioner was required to deposit. Similarly, the documents do not demonstrate that a specific amount of security was demanded from the Petitioner pursuant to any such Court order before the present application was made. This is material to the Respondent's application because the alleged default must be assessed against the actual obligation imposed by Rule 9(6).

MY LADY, In the absence of an order determining the amount payable, the Petitioner's decision to approach the Court for such an order was entirely reasonable. The Petitioner therefore respectfully submits that there has been no deliberate refusal or wilful failure to comply with a Court order.

5. SECURITY FOR COSTS IS INTENDED TO PROTECT THE RESPONDENT

MY LADY, In ***Glocom Marketing Limited v Contract Haulage Limited,*** the High Court held that an order for security for costs seeks to protect the party in whose favour it is made against being unable to enforce a costs order which he may later obtain. The Court further held that such an order is not to be made freely and that, before exercising its discretion, the Court should have regard to all the circumstances of the case.

MY LADY, Security for costs is therefore protective in nature. It is not intended to operate as a procedural weapon for stifling a genuine claim. The Petitioner does not object to providing that protection. The Petitioner is willing to deposit such security as this Honourable Court considers appropriate. What the Petitioner seeks is simply for the Court to assess the circumstances and make an appropriate order under Rule 9(6).

6. THE COURT OUGHT TO ASSESS AND DETERMINE THE APPROPRIATE SECURITY

MY LADY, The expression **"as the Court may order"** confers a judicial discretion as to the appropriate security. In ***Glocom Marketing Limited v Contract Haulage Limited,*** the Court held that in considering security for costs, regard should be had to all the circumstances of the case, including the bona fides of the claim, prospects of success, whether the application is oppressive or calculated to stifle a genuine claim, and the stage at which the application is made.

MY LADY, It follows that the Court is not required simply to impose the maximum eight thousand fee units without considering the circumstances of the matter. The appropriate course is for this Honourable Court to undertake the requisite assessment and determine the amount which will adequately protect the Respondent while avoiding an unjust impediment to the determination of the Petition.

7. THE PETITIONER HAS NOT REFUSED TO PAY SECURITY FOR COSTS

MY LADY, For the avoidance of doubt, the Petitioner's position is not that security for costs should not be paid. The Petitioner is willing and prepared to comply with any order made by this Honourable Court concerning security for costs. The purpose of obtaining the order necessary is to facilitate compliance with Rule 9(6).

The distinction is therefore between a party who refuses to provide security and a party who approaches the Court seeking an order determining the security payable. The Petitioner falls squarely

within the latter category. In the circumstances, there is no proper basis for treating the Petitioner's conduct as a deliberate attempt to frustrate the Respondent's legitimate interest in security.

8. INTERESTS OF JUSTICE

MY LADY, The Court is respectfully urged to determine the issue in a manner which protects the Respondent's legitimate interest in security for costs while preserving the Petitioner's right to have the election Petition adjudicated in accordance with law.

The Petitioner has not sought to evade the Rules. The Petitioner has approached the Court for an order and remains ready to comply with that order. The just and proportionate course is therefore for the Court to determine the appropriate security and afford the Petitioner a reasonable period within which to make the deposit.

CONCLUSION

MY LADY, In view of the foregoing, the Petitioner respectfully submits that the Respondent's application is premised upon an interpretation of Rule 9(6) which fails to give effect to the words **"as the Court may order".** The proper interpretation is that the Court is required to determine the appropriate security for costs, having regard to the circumstances of the particular case.

The Respondent's own bundle does not disclose any prior order of this Honourable Court specifying the amount of security payable by the Petitioner, nor does it demonstrate a demand for a specified amount pursuant to such an order. The Petitioner is not opposed to depositing security for costs and remains ready and willing to comply with any order made by this Honourable Court.

The interests of justice would best be served by this Honourable Court assessing the circumstances, determining the appropriate amount of security and granting the Petitioner a reasonable period within which to deposit the same, rather than terminating the Petition on the basis advanced by the Respondent.

The Petitioner accordingly prays that this Honourable Court dismisses the Respondent's application and proceeds to determine the Petitioner's application for security for costs and makes such order as to the amount and time for payment as the Court considers just.

WE REMAIN OBLIGED.

DATED at LUSAKA this _____ day of _____, 2026.

Per: _____

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Advocates for the 1st Respondent

To the 2nd Respondent and Its Advocates:

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Legal Practitioners
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LA Boulavard, Long Acres Lusaka
Advocates for the 2nd Respondent

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

2026/HP/EP/017

IN THE MATTER OF:	**THE PARLIAMENTARY ELECTION PETITION FOR ISOKA CONSTITUENCY NUMBER 88 SITUATE IN THE ISOKA DISTRICT OF THE MUCHINGA PROVINCE OF THE REPUBLIC OF ZAMBIA HELD ON 13TH AUGUST 2026**
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BETWEEN:

NAKAPONDA MARJORIE	**PETITIONER**
AND	
SICHONE MALOZO	**1ST RESPONDENT**
THE ELECTORAL COMMISSION OF ZAMBIA	**2ND RESPONDENT**

AFFIDAVIT IN OPPOSITION TO THE AFFIDAVIT IN SUPPORT OF SUMMONS TO DETERMINE WHETHER THE COURT HAS JURISDICTION TO PROCEED WITH THE ELECTIOM PETITION HEREIN

I, MONDE MUWANA, of Plot No. 19 ELM Road, in the Lusaka District, of the Lusaka Province of the Republic of Zambia do hereby **MAKE OATH** and **SAY** as follows:

1. That my full names and address are as stated above.

2. That I am a Learner Legal Assistant at **L.M Chikuta Legal Practitioners**, Advocates for the Petitioner herein, and by reason thereof, competent to depose to this my affidavit from facts within my personal knowledge and belief based on the law and facts that have come to my knowledge by virtue of the Firm's conduct of this matter.
3. That contrary to paragraph 5 of the affidavit in support of summons to determine whether the court has jurisdiction to proceed with the election petition herein, the said rule only applies if and when the court has elected to order payment of a named amount towards the security fees within five days
4. That the same rule gives the court discretion whether or not to order payment of an amount towards security fir costs.
5. That in the instant case the court did not order, within the said five days or at all, payment of any amount towards security for costs.
6. That under the circumstances, the court exercised its discretion by not ordering payment for security for costs within the five days and by so doing, this honourable did not contravene any provisions of the law.
7. That further, as the records will show the 1st Respondent did not make any application to show cause as to why it would be necessary for this honourable court to order payment for security for costs within the said five days.
8. That contrary to the contents of paragraphs 6 of the 1st Respondents' affidavit in support, the payment of the security for costs is not mandatory as the law gives this honourable court the discretion to either order or no order payment of security for costs as provided for by the law.
9. That further, to the foregoing, what is mandatory is compliance to an order of the court made pursuant to the rules herein referred to by the 1st Respondent.
10. That the contents of paragraph of the 1st Respondent's affidavit in support hereof are admitted.
11. That contrary to the contents of paragraph 8 of the said affidavit in support, the law makes no such requirement in the absence of a court order, naming an amount payable under that order as security for costs.

12. That the contents of paragraph 9 and 10, do not represent the correct position of the law and are erroneous to that extent, and this honourable court has jurisdiction to hear and determine this petition.
13. That under the circumstances this application is frivolous and vexatious and is liable to be dismissed with costs.
14. That I depose to the contents of this my affidavit verily believing the same to be correct and true to the best of my knowledge.

SWORN by the said)
MONDE MUWANA)
At Lusaka this 11 day of Sept 2026)

DEPONENT

BEFORE ME: _____
COMMISSIONER FOR OATHS

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
11 SEP 2026
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/EP/017

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

IN THE MATTER OF: **THE PARLIAMENTARY ELECTION PETITION FOR ISOKA CONSTTUENCY NUMBER 88 SITUATE IN THE ISOKA DISTRICT IN THE MUCHINGA PROVINCE OF THE REPUBLIC OF ZAMBIA HELD ON 13TH AUGUST 2026**

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AND

SICHONE MALOZO — **1ST RESPONDENT**

THE ELECTORAL COMMISSION OF ZAMBIA — **2ND RESPONDENT**

AFFIDAVIT VERYFING FACTS IN PETITION

I, NAKAPONDA MARJORIE, a Zambian National of No D48 Mayard, Chinsali District in Muchinga Province of the Republic of Zambia do hereby **MAKE OATH** and **SAY** as follows:

1. That my full names and address are as stated above.
2. That I am the Petitioner in the matter herein, thus competent to swear to the contents of this my affidavit from facts and matters that are either within my personal knowledge, in which case they are true, or have been learnt by me through perusal of documents and by discussion with my various agents in the polling stations, in which case they are true to the best of my knowledge and belief.

3. That I was a candidate in the Parliameentary Elections for the Isoka Parliamentary Constituency in the Muchinga Province of the Republic of Zambia, where I was contesting to be elected as Member of Parliament under the sponsorship of the United Party for National Development (UPND), on the 13th of August, 2026. Therefore, I believe to have a valid claim to have had a right to be elected to the position of Member of Parliament for the aforesaid constituency at the aforementioned elections.

4. That I initiate these proceedings to petition the 1st and 2nd Respondents, through this Hounarable Court, as a member of the public and as participant in the 13th August, 2026 General Elections, seeking redress of my grievances regarding the manner in which the aforesaid elections were conducted.

5. That in addition to me as Petitioner and to the 1st Respondent herein, there was a third other candidate who was also vying to be elected as Member of Parliament, herein being **MATHEWS B. SIKANYIKA** as an independent candidate.

6. That the Isoka Constituency has six (6) Wards namely: Kasoka ward, Kawenga Ward, Itukuta Ward, Kantenshya Ward, Kapililonga Ward and Kalungu Ward with a total of 42 Polling Stations

7. That the Isoka Parliamentary Constituency is wholly in Isoka District and violence engulfed the district which affected the manner under which elections were conducted in the constituency.

8. That two political parties and an Independent candidate validly filed their nominations for the said elections, namely: The United Party for National Development (UPND) whose candidate was Nakaponda Marjorie (female); the National Reconciliation Party for Unity and Prosperity (NRPUP) whose candidate was Sichone Malozo (male); and an independent candidate who goes by the name of Matthews B. Sikanyika.

9. That the electoral process in Isoka constituency were characterized by undue influence that resulted from threats, intimidation of polling staff, polling agents and voters.
10. That the 1st Respondent and his agents and supporters engaged in violent activities and buying of votes by the himself and his aforesaid agents and supporters on the election day at various polling stations in the Constituency aforesaid which affected the electoral process to my detriment.

11. That due to the foregoing, the election was not conducted in accordance with the Constitution, the Electoral Process Act, the Electoral Code of Conduct, applicable regulations, the official election timetable, and the lawful directions of the Commission.

12. That for instance while the voting was to be done from 06:00hrs to 18:00hrs or for such equivalent time where the polling station delayed in opening, at Old Region where the polling station was opened at 06:10 hrs., the 2nd Respondent neglected omitted or refused to close the Polling station at 18:10 hours and proceeded with voting, allowing people that were arriving after 18:10hrs to vote and only closed at around 20:39hrs due to the deliberate confusion caused by the 1st Respond and his Agents.

13. That the said Polling Station at Old Region had a very high number of registered voters standing at 2, 564 only.

14. That prior in the day, some voters had been attacked by the agents of the 1st Respondent and his supporters which caused fear in the electorate in the area.

15. That it was during this delay in closing the polling station that voters continued to join the que to vote in breach of the electoral rules and code of conduct.

16. That throughout the day of voting on 13th August, 2026, the 1st Respondent's agents and supporters were busy campaigning in most of polling stations in the urban parts of Isoka Constituency.

17. That at Old Region in Kasoka Ward, NRPUP supporters never left the Polling Station on advise of the 1st Respondent on ISO FM interview the previous day.

18. That pressure they were given by the 1st Respondent's agents to keep the station open after hours prescribed by law was pushed for by the 1st Respondent's agents and supporters who were at the said polling station.

19. That it had to take reinforcement of police to quell the illegality after and disperse the 1st Respondent's people who also supported NRPUP.

20. When the voters came, they were being given pens wrapped with money and were were being told that there are cameras that would show if they did not vote for the 1st Respondent and his colleagues in NRPUP that voting day.

21. That elections on 13th August 2026 in most parts of the constituency were not free and fair in Isoka due to violence, intimidation and other malpractices by the 1st Respondent and his colleagues in NRPUP in Isoka and supporters.

22. That the following incidents were rampant in the constituency due to the 1st Respondent and his agents illegal conduct in breach of the electoral code of conduct: -

(a) The 1st Respondent, his agents and/or Supporters did on 13th August, 2026, while the electoral process was still ongoing, engage in violence and other electoral malpractices against people going to vote and did this within hundred meters from the polling stations where the voters were intimidated and forced to vote for the 1st Respondent while other eligible voters were stopped from entering the polling station to vote when suspected to be more neutral or for the other parties. Furthermore, voters were bribed by giving them money, gifts and promises, to influence their votes to vote for among others the 1st Respondent.

(b) That in places where registered voters were more, in the Urban parts of Isoka Constituency, voters were being intimidated, given gifts including pens and money and some were promised business opportunities if they voted for the 1st Respondent and he won elections. This was all done on election day.

(c) That Some of the electoral malpractices in the constituency by the 1st Respondent included promise of financial gain and distributing gifts such as pens wrapped with money to voters before the voters could go in to cast their votes at various polling stations while subtly telling them that inside the polling station, there were cameras that would show how they would have voted and promised punishment against any dissidence.

(d) That the 1st Respondent, his agents and his supporters moved with weapons at polling stations while intimidating voters and polling staff and in some instances used the said weapons to attack voters.

(e) That the 1st Respondent and his polling agents and supporters remained within 100 meters of each polling stations after voting while openly campaigning for the 1st Respondent and the other NRPUP candidates vying for election by the electorate in the said constituency.

(f) That for some polling stations, police were called in by the ECZ polling staff, to help end the illegal conduct by the 1st Respondent, his agents and supporters that was ongoing.

(g) That in some instances, the 1st Respondent's polling agents and supporters who remained at the polling Station after voting for the supporters stormed into the polling stations in numbers without accreditation and or authorization, to the detriment of the other innocent participants.

(h) That the 1st Respondent's electoral agents and supporters threatened to attack some of my agents whom they forced out of the polling stations eventually, leaving the stations not adequately manned to cover my interests.

(i) That following some of these irregularities propagated by the 1st Respondent and his agents and supporters, including barging into polling stations to manipulate the electoral process, by 15:00hrs, in Kasoka Ward, old region, the

1st Respondent gave an address to the electorate that he had already won the election, in contravention of the law.

(j) That the incidents above created fear and insecurity to the public, deterred or disrupted the free participation of voters and/or agents, and affected the integrity of the election and the result. That i will rely on witness statements, polling-agent reports, medical or hospital records, police or other official reports, photographs or recordings lawfully obtained, and the Commission's election materials in addition to my testimony herein.

(k) That in some polling stations, the 2nd Respondent tolerated, by its agents, very well-known media persons accredited as polling staff to be flashing the NRPUP symbol inside and around the polling station without restraint, a thing that gave unwarranted leverage by the 1st Respondent and caused concerned parties to escalate the matter to management for their removal although damage had already been done while the 1st Respondent's monitors played along.

(l) That the 1st Respondent and his agents and supporters also chased away one of our polling agents who was threatened to be killed by the said persons if he did not comply, despite the intervention by some polling staff at the said polling stations.

(m) Before election day, the 1st respondent by himself and his agents and supporters engaged in buying of voter's cards to disfranchise known voters who did not sympathise with his cause.

23. That as a result of the acts of violence unleashed by the 1st Respondent's agents and supporters of National Reconciliation Party for Unity and Prosperity (NRPUP) that characterized the election in general, members of the United Party for National Development (UPND) and the general public that were voters among others feared for their safety.

24. That the scale and extent of violence and other aforesaid forms of malpractices was of such unbelievable proportion that it resulted in the prevention of the majority of the majority of voters from voting for a candidate whom they preferred. The violence was such that some of my polling agents were harassed intimidated, manhandled and chased from the polling stations, leaving no observers for me to monitor at the polling station when they left and thereby impairing the integrity of the election.

25. That the 1st Respondent by himself and his agents and supporters engaged in harassment of the Poll staff, thereby instilling fear, a thing that consequently compromised the integrity of the election process in Isoka Constituency.

26. That there was widespread non-compliance with the Electoral Process Act and the Electoral Code of Conduct. That on the day of the polls, the 1st Respondent's Agents forcefully entered into the polling stations without accreditation, an act constituting a

violation of the Electoral Code of Conduct, Electoral Process Act and Rules and a fragrant assault against integrity of the elections herein.

27. That the 2nd Respondent's agents acted fraudulently when they involved themselves in actual marking of ballot papers on behalf of voters who sought help and were confronted by independent monitors but did not stop.

28. That further 2nd Respondent was negligent in hiring presiding officers such as Mr Lungu at Chuwi polling station who entertained the 1st Respondent's agent who was moving with a bag that had a weapon and alcohol in it while in and around the polling Station. That the said Mr. Lungu was also a well-known supporter of the 1st Respondent and was also involved in marking ballot papers for the voters that request assistance contrary to the electoral roles.

29. That at most of the polling stations in town, counting of votes was done without giving a fair opportunity to my agents properly follow the counting due to the bullying and intimidation of my agents by known agents and supporters of the 1st Respondent.

30. That the malpractices above were rampant throughout the polling stations in town where the total the total registered voters were in excess of thirteen Thousand (13,000) as shown the total registered voters for Kasoka and Kawenga Wards.

31. That on the 15th day of August, 2026, the Returning Officer for Isoka Constituency declared the 1st Respondent as the duly elected Member of Parliament for Isoka Constituency with Seven Thousand and Twenty votes (**7,020**) of the total votes cast being **12,517**. That this was against the total registered voters of **25, 3116** in Isoka Constituency. That the Independent Candidate aforesaid was declared to have received One Hundred and Seventy-Six votes **(176)** of the total votes cast.

32. That I was indicated to have received a total of Five Thousand One Hundred and Ten **(5,110)** of the total valid votes cast.

33. That the said results are reflected on the Gen 20b issued under the hand of the Returning Officer.

34. That the above results are as provided to me by the Council Secretary whom, being the agent for the 2nd Respondent, was entitle to act as such.

35. That in the premises, the 1st Respondent was not validly elected as Member of Parliament for Isoka Constituency and the results announced by the 2nd Respondent were not a true reflection of what the electorate voted in the said Constituency of the Muchinga Province of the Republic of Zambia.

36. That I am reliably informed by my advocates and believe the same to be true that this tribunal has the jurisdiction to entertain this petition for purposes of nullifying the said Parliamentary election results of 13th August, 2026 held in Isoka Constituency.

37. That I crave the indulgence of this Honourable Tribunal to grant me the reliefs sought.

38. That I depose to the contents of this my affidavit verily believing the same to be correct and true to the best of my knowledge.

SWORN by the said)
NAKAPONDA MARJORIE)
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