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IN THE HIGH COURT FOR ZAMBIA
AT THE DISTRICT REGISTRY
HOLDEN AT KITWE
(Civil Jurisdiction)

2026/HP/EP/036

IN THE MATTER OF: ARTICLE 1 (2), (3) AND 8 (c), (d), (e) OF THE CONSTITUTION OF ZAMBIA, CHAPTER ONE OF THE LAWS OF ZAMBIA

AND

IN THE MATTER OF: REQULATION 47 OF THE ELECTORAL PROCESS (GENERAL) REQULATIONS, 2016

AND

IN THE MATTER OF: ARTICLE 45 (1)(a), (2)(a) (b)(c), 73(1) OF THE CONSTITUTION OF ZAMBIA AS READ TOGETHER WITH SECTION 64, 69, 70, 96, 98 AND 99 OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016

AND

IN THE MATTER OF: SECTION 81 (1)(a), 83 (1) (a)(d), (2) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016

AND

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

AND

IN THE MATTER OF: AN ELECTION PETITION RELATING TO KABWATA CONSTITUENCY PARLIAMENTARY ELECTIONS HELD ON THE 13TH DAY OF AUGUST, 2026

BETWEEN:

TAYENGWA ANDREW — PETITIONER

AND

YENGA DANNY — 1ST RESPONDENT
ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

ANSWER

The 2nd **RESPONDENT** responds as follows:

1. That the contents of paragraphs 1, 2 and 3 of the Petition are admitted.

2. The contents of paragraph 4 of the Petition are admitted, except that 2nd Respondent will aver that Yenga Danny of NRPUP received 31,565 votes instead of 31,566.

3. The 2nd Respondent denies the contents of paragraph 5 of the Petition and shall aver that the declaration of the member of Parliament was done on 17th August, 2026.

4. The 2nd Respondent denies the contents of paragraph 6 of the Petition and shall put the Petitioner to strict proof of his claims. The 2nd Respondent shall aver that according to the results received from the 154 polling stations, the 1st Respondent was duly elected.

5. The contents of paragraphs 8 (i) and (ii) are within the Petitioners own peculiar knowledge and the Petitioner shall be put to strict proof of his claims. 2nd Respondent shall aver, in response to paragraph 8 (iii) that non - signing of Gen 20 by a candidate's polling agents does not render the results invalid.

6. That contents of paragraph 8 (iv) of the Petition are admitted, to the extent that 1 ballot box was found outside the Totaling Centre at St Patricks School only.

7. The contents of paragraphs 8 (v) and (vi) are within the Petitioners own peculiar knowledge and the Petitioner shall be put to strict proof of his claims.

8. The contents of paragraphs 8 (vii) and (viii) are denied and the Petitioner shall be put to strict proof of his claims. The 2nd Respondent shall aver that all the results for the polling stations were announced.

9. The contents of paragraphs 8 (ix), (x), (xi), (xii), (xiii), (xiv) and (xv) are within the Petitioners own peculiar knowledge and the Petitioner shall be put to strict proof of his claims.

10. Paragraph 9 (1) and (2) are denied and the Petitioner shall be put to strict proof of his claims. The 2nd Respondent shall aver that the information in the Record of Proceedings is what was contained in the Gen 20 forms from the polling stations.

11. The contents of paragraph 9 (3) are within the Petitioners own peculiar knowledge and the Petitioner shall be put to strict proof of his claims. The 2nd Respondent shall aver that signatures of polling agents do not invalidate the results.

12. Paragraph 9 (4) is within the Petitioners own peculiar knowledge and the Petitioner shall be put to strict proof of his claims.

13. The contents of paragraph 9 (5) are denied and the Petitioner shall be put to strict proof of his claims. The 2nd Respondent shall aver that Gen 20 forms are found inside

the ballot papers and are only available at the polling stations when when presiding officers open the ballot papers.

14. The contents of paragraph 9 (6) are denied and the Petitioner shall be put to strict proof of his claims.

15. Paragraphs 9 (7), 10, 11, 12, 13 and 14 are within the Petitioners own peculiar knowledge and the Petitioner shall be put to strict proof of his claims.

16. The contents of paragraph 15 are denied and the Petitioner shall be put to strict proof of his claims. The 2nd Respondent shall aver that it announced all the results.

17. The contents of paragraphs 16, 17, 18 and 19 are within the Petitioners own peculiar knowledge and the Petitioner shall be put to strict proof of his claims.

18. The contents of paragraph 20 are denied and the Petitioner shall be put to strict proof of his claims. The 2nd Respondent shall aver that the Petitioner is not entitled to any of the reliefs claimed.

Dated at the Lusaka the ..... day of .....2026.

.....
RESPONDENT

Per:.....

Messrs Lukona Chambers
Plot No. 874
Suite 4
Lex House
Tito Road
Rhodes Park
P.O Box 31160
LUSAKA
E-mail: lukonachambers@gmail.com
Advocates for the 2nd Respondent

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AND	
YENGA DANNY	1ST RESPONDENT
ELECTORAL COMMISSION OF ZAMBIA	2ND RESPONDENT

AFFIDAVIT IN OPPOSITION

I, **MONDE MATE**, a Senior Administrative Officer of Lusaka City Council, Church Road in the

City and Province of Lusaka in the Republic of Zambia **DO HEREBY MAKE OATH** and **SAY** as follows:

1. That my names, occupation and business address are as stated above.

2. That I am a Zambian national.

3. That I was a Returning Officer for Kabwata Constituency for the 2nd Respondent during the elections, by virtue whereof I am competent to swear this my Affidavit from facts within my knowledge, information and belief.

4. That I have read what purports to be an Affidavit Verifying Facts deposed to by Tayengwa Andrew and dated 31st August, 2026 and respond as hereunder.

5. That paragraphs 1 and 2 of the Affidavit are within the Petitioners own peculiar knowledge and he shall be put to strict proof of his claims.

6. That the contents of paragraph 3 of the Affidavit are admitted.

7. That the contents of paragraph 4 of the Affidavit in support are denied to the extent that Yenga Danny is NRPUP, and not an independent candidate only.

8. That the contents of paragraph 4 of the Affidavit in support are denied to the extent that Yenga Danny is NRPUP, and not an independent candidate and he got 31,565 votes only.

9. That the contents of paragraph 8 of the Affidavit are denied and the Petitioner shall be put to strict proof of his claims. The 2nd Respondent shall aver that the results were announced on 17th August, 2026.

10. That the contents of paragraphs 9, 10, 11 (a), (11 (b), 11 (c), 11 (d) of the Affidavit are within the Petitioners own peculiar knowledge and the Petitioner shall be put to strict proof of his claims. The 2nd Respondent will aver in regard to paragraph 11 (d) of the Petition that not signing the Gen 20 forms by a candidates polling agent does not invalidate the election results.

11. That the contents of paragraphs 11 (e) and 11 (f) of the Affidavit are within the Petitioners own peculiar knowledge and the Petitioner shall be put to strict proof of his claims.

12. That the contents of paragraphs 11 (g) and 11 (h) of the Affidavit are denied and the Petitioner shall be put to strict proof of his claims. The 2nd Respondent shall aver that it announced all the results based on the information received from polling stations.

13. That the contents of paragraphs 11 (i), 11 (j), 11 (k), 11 (l) and 11 (m) of the Affidavit are within the Petitioners own peculiar knowledge and the Petitioner shall be put to strict proof of his claims.

14. That the contents of paragraphs 12 and 13 of the Affidavit are within the Petitioners own peculiar knowledge and the Petitioner shall be put to strict proof of his claims.

15. That the contents of paragraphs 14 (a), 14 (b), 14 (c) and 14 (d) of the Affidavit are within the Petitioners own peculiar knowledge and the Petitioner shall be put to strict proof of his claims.

16. That the contents of paragraphs 14 (e) of the Affidavit are denied and the Petitioner shall be put to strict proof of his claims. The 2nd Respondent shall aver that Gen 20 are found at polling stations inside the ballot papers and opened when Presiding Officers go to the polling stations.

17. That the contents of paragraphs 14 (f) of the Affidavit are denied and the Petitioner shall be put to strict proof of his claims. The 2nd Respondent shall aver that it entered all the results and that is the procedure for announcing results.

18. That the contents of paragraphs 14 (g) and 14 (h) of the Affidavit are within the Petitioners own peculiar knowledge and the Petitioner shall be put to strict proof of his claims.

19. That the contents of paragraphs 13, 14, 15 and 16 of the Affidavit are within the Petitioners own peculiar knowledge and the Petitioner shall be put to strict proof of his claims.

20. That the contents of paragraphs 17 of the Affidavit are denied and the Petitioner shall be put to strict proof of his claims. The 2nd Respondent shall aver that it announced all the results.

21. That the contents of paragraphs 18 and 19 of the Affidavit are within the Petitioners own peculiar knowledge and the Petitioner shall be put to strict proof of his claims.

22. That the contents of paragraphs 20 of the Affidavit are within the Petitioners own peculiar knowledge and the Petitioner shall be put to strict proof of his claims.

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

SWORN by the said)
MONDE MATE).....
at Lusaka this 10th)
Sep 2026)

BEFORE ME: .....
COMMISSIONER OF OATHS

ALEXANDER K. RUMSEY
LLB, AHCZ, ASCZ
10 SEP 2026
LEGAL PRACTITIONER
COMMISSIONER FOR OATHS

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ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

SKELETON ARGUMENTS

May it please this Honorable Court.

The 2nd Respondent will rely on these Skeleton Arguments in response to the Petitioners' Petition and Affidavit Verifying Facts. The 2nd Respondent shall also rely on its Affidavit in Opposition, as well as its List of Authorities and copies thereof.

The Petitioner essentially claims, as highlighted in paragraph 19 of its Petition, that the electoral process in Kabwata Constituency was not conducted in accordance with the principles of a free, fair, transparent and credible election and the majority of voters may have been prevented from electing the candidate whom they preferred because of corruption, bribery, violence, intimidation irregularities in the handling and authentication of electoral materials, and irregularities in the recording, tallying and announcement of results.

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ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

LIST OF AUTHORITIES AND COPIES OF AUTHORITIES CITED

Legislation referred to:
Cases referred to:

Gmail

UPS/20 Lukona Chambers <lukonachambers@gmail.com>

T. ANDREW V Y. DANNY & ECZ - 2026/HP/EP/036

Lukona Chambers <lukonachambers@gmail.com> Fri, Sep 11, 2026 at 2:15 PM
To: kamwiandelekilegalpractitioners@hotmail.com

Dear Sir / Madam,

We refer to the above captioned matted.

We hereby seek your consent to file an Answer and supporting documents in the matter herein. Kindly advise whether you are amicable to our proposal within 24 hours herein, failure to which we shall apply to the Court seeking an Order for extension of time within which to file our Answer and supporting documents.

Regards.