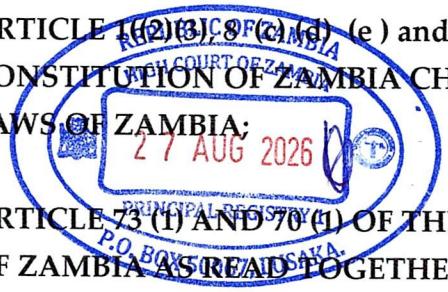
IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(Civil Jurisdiction)

2026/HP/EP/001

IN THE MATTER OF: ARTICLE 1(2)(3), 8 (c) (d) (e ) and 9 (1) (b) OF THE CONSTITUTION OF ZAMBIA CHAPTER 1 OF THE LAWS OF ZAMBIA;




IN THE MATTER OF: ARTICLE 73 (1) AND 70 (1) OF THE CONSTITUTION OF ZAMBIA AS READ TOGETHER WITH SECTION 96 (1) (a) ( c) AND 2 OF THE ELECTORAL PROCESS ACT NO. 35 OF THE LAWS OF ZAMBIA;

IN THE MATTER OF: ARTICLE 45 (1) ( a) (b) (c ) (d) AND (e) OF THE CONSTITUTION OF ZAMBIA CHAPTER OF THE LAWS OF ZAMBIA;

IN THE MATTER OF: SECTION 61,84,86,87,89 AND 99 OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016 THE LAWS OF THE ZAMBIA;

IN THE MATTER OF: THE ELECTORAL PROCESS (CODE OF CONDUCT) (ENFORCEMENT) REGULATIONS, 2016 OF THE LAWS OF ZAMBIA

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

IN THE MATTER OF: THE NATIONAL ASSEMBLY GENERAL ELECTIONS SIAVONGA CONSTITUENCY) HELD ON 13TH AUGUST 2026;

BETWEEN;

BRAVE MWEETWA — PETITIONER

AND

DALIUS MULUNDA — 1ST RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

ELECTION PETITION

**THE HUMBLE PETITION OF** your Petitioner of **BRAVE MWEETWA** (hereinafter referred to as "**the Petitioner**") of Stand No. 12 Sub A Off Greg Lungu Road Lusaka South of the City and Province of Lusaka in the Republic of Zambia **SOWETH THAT;**

1. The Petitioner is an adult Zambian citizen, registered voter and was a candidate in the General Election as a Member of Parliament for Siavonga Constituency which elections were held on the **13th day of August 2026**.

2. The 1st Respondent is the person that was purportedly declared as the winner for Siavonga Constituency Parliamentary General Election held on the **13th August 2026** by the 2nd Respondent

3. The 2nd Respondent is an election management body constituted by **Article 229** of the Constitution Chapter 1 of the laws of Zambia, and its mandated to implement Zambia electoral process, conduct free and fair elections and in an accountable manner by Article 45 of the Constitution, among other functions.

## FACTS IN SUPPORT OF THE PETITION

4. The Petitioner did contest as the Candidate for the Position of Member of Parliament on the **13th day of August 2026** General elections in Siavonga Constituency as an Independent candidate in Siavonga District of the Southern Province of the Republic of Zambia.

5. Sometimes in or about **January 2026**, whilst the Petitioner was a member of Pamodzi Alliance did made a comment that President Hichilema needs to bury his predecessor. This comment was made in Kabwe by the Petitioner herein in the capacity as the National Youth Chairperson.

6. In addition to **paragraph 5** above, sometimes in **June 2026**, the 1st Respondent used the comment which was made by the Petitioner in paragraph 5 above on his campaigns. The Petitioner on or about **7th June 2026** brought this issue to the attention of the Returning Officer. The District Conflict Management called for the meeting where it was resolved that the 1st Respondent must stop using inappropriate references towards the Petitioner.

7. On the **12th day of August 2026** at around **17:00 hours**, during a live broadcast rally which rally was broadcasted by Kariba Radio Station, voters were deceived through the broadcast of old audio and visual material which falsely portrayed the Petitioner as a candidate of a certain political party when in fact the Petitioner was a duly nominated as an Independent Candidate. This was intended to and did confuse voters. The audio at the said rally purported that the Petitioner was sent by Brian Mundubule of National Reconciliation Party for Unity and Prosperity (NRUP) and that he was not an independent candidate. This audio was made when the Petitioner herein was a member for Pamodzi Alliance and not as an Independent Candidate.

8. The Parliamentary Election which is the subject of this Petition which election was held in Siavonga Parliamentary Constituency, comprising, inter alia, approximately sixty-seven (67) polling stations, including the polling stations and streams particularised below.

    a. Changa Secondary Polling Station which has two streams;
    b. Namumu Polling Station which has two streams; and
    c. Namomba Polling Station;
    d. Siabamba Polling Station;
    e. Sinampunga Polling Station; and
    f. Game Polling Station

9. During voting on the **13th August 2026** at Changa Polling Station, the 1st Respondent Son and / or relative by the name of Daniel Mulunda who was a polling Assistant Officer and the Presiding Officer by the name of Choonga Eugine were assisting illiterate people, aged people and disabled people to put a voting mark in favour of the 1st Respondent, the conduct of which was condemned by the said people whom he was assisting. The action of the said Officers was contrary to rules and regulations of the electoral code.

10. In addition to **paragraph 9** above, the 1st Respondent instructed his colleagues and / party members for United Party for National Development (UPND) to be cooking within the perimeters of the voting premise and promising people that once they vote for the 1st Respondent, they should be coming to collect food. This happened in almost all the Polling Stations of Siavonga Constituency.

11. At the closure of the polls, the agents of the Petitioner were chased at the Polling Stations mentioned in paragraph 8 above and / or in most polling stations for Siavonga Constituency, this prompted the Monitor of the Agents of the Petitioner by the name of Glorious Siyabala to rush to Namomba Polling Station to confirm the incident, upon arrival, the Monitor was refused to enter the said polling station, and when he insisted to enter, he was beaten by known supporters of the 1st Respondent in the presence of the 2nd Respondent. The Monitor never entered the said polling station.

12. The Monitor of the Petitioner then proceeded to Siavonga Police Station where a medical report form was issued and the findings of the Medical Practitioners confirms the medical report form to be consistent with the alleged circumstances; the matter is currently under investigations by the Zambia Police at Siavonga Police Station.

13. On or about **14th August 2026**, the Petitioner wrote to the District Electoral Officers for Siavonga Constituency seeking the recounts of the votes as the votes at the totalling centres were counted in the absence of the Petitioners agents. The Returning Officer informed the Petitioner that he was unable to do so as the Electoral Commission of Zambia has suspended the counting and announcing of the election results till further notice.

14. After the Electoral Commission of Zambia lifted the suspension and announced that the counting and the announcement of the election results to continue, the Returning Officer instead of recounting the casted votes as per my request on my letter dated **14th August 2026**, the Returning Officer went ahead to declare that the 1st Respondent had won the said elections as per results of each candidate below;

1 Darius Muyunda: _____ 11,909

2 Brave Mweetwa: _____ 10,450

3 Soko C Edward _____ 324

4 Rejected ballots: _____ 365

15. The 1st Respondent was accordingly declared duly elected on the **14th day of August 2026.**

16. on or about **15th August 2026**, the Petitioner went to the 2nd Respondent to complain about on how the elections were held in Siavonga Constituency, in response the 2nd Respondent told the Petitioner that he can only petition the High Court as the winner of the poll of the said election was already declared as per law demands.

17. The Petitioner disputes the validity of the election and declaration of the 1st Respondent and contends that the election was characterised by electoral irregularities, illegal practices, misconduct, intimidation, interference with polling agents, improper assistance of voters, campaigning within prohibited areas, misrepresentation and material non-compliance with the Electoral Process Act.
18. The Petitioner further avers that the acts complained of were sufficiently widespread and/or serious to undermine the integrity of the election and affected or may reasonably have affected the result.

**ALLEGED CONTRAVENTION OF THE LAW**

19. By virtue of what is stated from the paragraphs above by the Petitioner.

20. That the was non-compliance by the 2nd Respondent to the provisions of the Electoral Process Act and the Electoral Code of Conduct when 2nd Respondent went ahead with the counting after the Agents of the Petitioner were prohibited, assaulted and chassed at the Polling Stations.

21. That the non-compliance by the 2nd Respondent to the provisions of the Electoral Process Act and the Electoral Code of Conduct when 2nd Respondent failed to provide security to the said Agents as the were been chased and assaulted at the said Polling Stations as per law demands.

22. That the non-compliance of the 2nd Respondent Presiding Officer and the Polling Assistant Officer assisting illiterate people, aged people and disabled people to put a voting mark in favour of the 1st Respondent, the

conduct of which was condemned by the said people whom he was assisting. This action of the said 2nd Respondent was contrary to rules and regulations of the electoral code of Conduct.

23. The 1st Respondent contravenes the Electoral Process Act and the Electoral Process Code which prohibits anybody at the voting day to offer any bride and / or to stay within the perimeter of the voting premises by either offering promises and / or providing any inducement in order for the people to vote for the 1st Respondent.

24. The 1st Respondents contravenes the Electoral Code of conduct by referring the Petitioner herein that he was a still a PF and that he is only masquerading as an independent candidate, which statement was maliciously made and looking of the geographical of the said constituency, the statement made by the Petitioner made a lot of people not to vote for the Petitioner.

**RELIEFS SOUGHT BY THE PETITIONER**

**YOUR PETITIONER,** therefore, prays that remedies hereinunder be given

a. A declaration that the election for Siavonga Constituency of the Southern Province of the Republic of Zambia is and was void;
b. A declaration that the 1st Respondent was not duly elected for Siavonga Constituency General Election;
c. A declaration that upon the prohibiting and chasing of the Petitioners agents at the Polling stations, the 2nd Respondent ought to have not proceeded in counting of votes until all the Petitioners Agents who were chased, assaulted and prohibited were back at the polling stations;
d. An Order that the 2nd Respondent to call for fresh nominations within 90 days from the date of Judgment of this Honourable Court;

e. Damages for breach of duty by the 2nd Respondent;

f. Damages from the 1st Respondent for breach of Electoral Code of Conduct and Electoral Process Act;

g. Costs;

h. Any other relief that this Honourable Court may deem fit.

**YOUR PETITIONER WILL FOREVER PRAY**

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



**(BRAVE MWEETWA) PETITIONER**

Per:.....

Messrs. Himulambo & Company
Office No. 12,
Stand No. 35222
Alick Nkhata Road
P.O Box 30361
Mass Media
Email; jumbanichirwa@gmail.com
**Lusaka - Zambia**
**Advocates for the Petitioner**

**To: the 1st Respondent**
Siavonga District

**To: the 2nd Respondent**
Electoral Commission of Zambia
Electoral House

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

2026/HP/EP/001

IN THE MATTER OF: ARTICLE 1(2)(3),8 (c)(e) AND 9 (1)(b) OF THE CONSTITUTION OF ZAMBIA CHAPTER 1 OF THE LAWS OF ZAMBIA

IN THE MATTER OF: ARTICLE 73 (1) AND 70 (1) OF THE CONSTITUTION OF ZAMBIA AS READ WITH SECTION 96(1)(A)(C) AND 2 OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016 OF THE LAWS OF ZAMBIA.

IN THE MATTER OF: ARTICLE 45 (1) (a) (b) (c) (d) AND 87 OF THE CONSTITUTION OF ZAMBIA CHAPTER 1 OF THE LAWS OF ZAMBIA

IN THE MATTER OF: SECTIONS 61,8, 86,87,89 AND 99 OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016 OF THE LAWS OF ZAMBIA

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

IN THE MATTER OF: THE ELECTORAL (CODE OF CONDUCT) (ENFORCEMENT) REGULATIONS, 2016 OF THE LAWS OF ZAMBIA

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

IN THE MATTER OF: THE NATIONAL ASSEMBLY GENERAL ELECTIONS SIAVONGA CONSTITUENCY HELD ON 13TH AUGUST 2023

BETWEEN:

BRAVE MWEETWA — PETITIONER

AND

DALIUS MULUNDA — 1ST RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

REPUBLIC OF ZAMBIA HIGH COURT OF ZAMBIA 07 SEP 2026 PRINCIPAL REGISTRY P.O. BOX 50067, LUSAKA

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2nd RESPONDENT'S ANSWER

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1. The 2nd Respondent is a body corporate established under Article 299 of the Constitution and the Electoral Commission of Zambia Act No. 25 of 2016 as amended by Act No. 5 of 2019 and whose functions are provided under Article 229 (2) of the Constitution to implement the electoral process.
2. The Parliamentary elections in Siavonga Constituency, Siavonga were conducted on the 13th August, 2026 the date on which the General Elections were held throughout the Republic of Zambia.
3. The contents of paragraph 1 of the Petition are admitted to the extent that the Petitioner was a Candidate in the General Election as a Member of Parliament for Siavonga Constituency which elections were held on the 13th August, 2026 as well as two other candidates, one party' candidate and another independent candidate.
4. The contents of paragraph 2 of the Petition are to the extent that the 1st Respondent was declared winner by the Returning Officer on 15th August, 2026 for Siavonga Constituency Parliamentary General Election held on the 23th August, 2026 are admitted.
5. To the extent that the contents of paragraph 4 of the Petition state that the Petitioner did contest as the candidate for the position of member of parliament on the 13th August, 2026 General Elections in Siavonga District, one party candidate and another independent candidate participated in the said election, the said contents are admitted.
6. In answer to the contents of paragraph 5 and 6 of the petition, the 2nd Respondent shall state that the issues surrounding the said paragraphs were resolved by the District Conflict Management by way of a mediation between the Petitioner and the 1st Respondent.

1. The 2nd Respondent is a body corporate established under Article 299 of the Constitution and the Electoral Commission of Zambia Act No. 25 of 2016 as amended by Act No. 5 of 2019 and whose functions are provided under Article 229 (2) of the Constitution to implement the electoral process.
2. The Parliamentary elections in Siavonga Constituency, Siavonga were conducted on the 13th August, 2026 the date on which the General Elections were held throughout the Republic of Zambia.
3. The contents of paragraph 1 of the Petition are admitted to the extent that the Petitioner was a Candidate in the General Election as a Member of Parliament for Siavonga Constituency which elections were held on the 13th August, 2026 as well as two other candidates, one party' candidate and another independent candidate.
4. The contents of paragraph 2 of the Petition are to the extent that the 1st Respondent was declared winner by the Returning Officer on 15th August, 2026 for Siavonga Constituency Parliamentary General Election held on the 13th August, 2026 are admitted.
5. To the extent that the contents of paragraph 4 of the Petition state that the Petitioner did contest as the candidate for the position of member of parliament on the 13th August, 2026 General Elections in Siavonga District, one party candidate and another independent candidate participated in the said election, the said contents are admitted.
6. In answer to the contents of paragraph 5 and 6 of the petition, the 2nd Respondent shall state that the issues surrounding the said paragraphs were resolved by the District Conflict Management by way of a mediation between the Petitioner and the 1st Respondent.

7. In answer to the contents of paragraph 9 of the Petition, the 2nd Respondent shall state that the Returning Officer did not receive any reports from it's polling staff who were deployed at Changa Polling Station or indeed the Petitioner himself.
8. In answer to the contents of paragraph 13 and 14 of the Petition, the 2nd Respondent shall state that a recount can be done at the request of a candidate or it's agent at the Polling Station and not at the Totaling Centre.
9. Further to paragraph 8 above, the 2nd Respondent states that it did not receive any request from the Petitioner or it's agents at any of the polling stations for a recount at any of the polling stations save for the request at the Totaling Centre to recount the votes when all the ballot boxes were sealed and the witnesses for the other candidate had since left.
10. The contents of paragraph 17 of the Petition alongside it's many subparagraph as regards electoral irregularities, illegal practices, misconduct, intimidation, interference with polling agents, improper assistance of voters, campaigning within prohibited areas, misrepresentation and non-compliance with the electoral Process Act in respect of the poll are within the sole knowledge of the Petitioner.
11. SAVE where expressly admitted, the 2nd Respondent denies each and every allegation in the Petition as though the same were set out seriatim and denied.

Dated at Lusaka this _____ day of _____ 2026

_____

2nd RESPONDENT

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

2026/HP/EP/001

IN THE MATTER OF: ARTICLE 1(2)(3),8 (c)(e) AND 9 (1)(b) OF THE CONSTITUTION OF ZAMBIA CHAPTER 1 OF THE LAWS OF ZAMBIA

IN THE MATTER OF: ARTICLE 73 (1) AND 70 (1) OF THE CONSTITUTION OF ZAMBIA AS READ WITH SECTION 96(1)(A)(C) AND 2 OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016 OF THE LAWS OF ZAMBIA.

IN THE MATTER OF: ARTICLE 45 (1) (a) (b) (c) (d) AND 87 OF THE CONSTITUTION OF ZAMBIA CHAPTER 1 OF THE LAWS OF ZAMBIA

IN THE MATTER OF: SECTIONS 61,8, 86,87,89 AND 99 OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016 OF THE LAWS OF ZAMBIA

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

IN THE MATTER OF: THE ELECTORAL (CODE OF CONDUCT) (ENFORCEMENT) REGULATIONS, 2016 OF THE LAWS OF ZAMBIA

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

IN THE MATTER OF: THE NATIONAL ASSEMBLY GENERAL ELECTIONS SIAVONGA CONSTITUENCY HELD ON 13TH AUGUST 2023

BETWEEN:

BRAVE MWEETWA — PETITIONER

AND

DALIUS MULUNDA — 1ST RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
07 SEP 2026
PRINCIPAL REGISTRY 4
P.O. BOX 50067, LUSAKA

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**AFFIDAVIT IN OPPOSITION**

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I, Mbita Stephen a Zambian National of house # 426, new site, council houses in Siavonga in the Siavonga District of the Southern Province of the Republic of Zambia **DO HEREBY** make OATH and say as follows;

1. That my name, nationality and residential address is as stated above.
2. That I was the Returning Officer for Siavonga Constituency, Siavonga District of the Republic of Zambia as an agent of the 2nd Respondent and by reason thereof competent to depose to this my affidavit from facts within my personal knowledge and belief.
3. That I have read what purports to be an affidavit verifying facts deposed to by one Brave Mweetwa ("the affidavit") and therefore wish to respond as follows;
4. That the contents of paragraph 1 to 4 of the affidavit are within the deponents' peculiar knowledge.
5. That the contents of paragraph 5 of the affidavit are not disputed and I wish to also state as follows;
6. That I am aware that the Parliamentary elections in Siavonga Constituency, Siavonga were conducted on the 13th August, 2026 the date on which the General Elections were held throughout the Republic of Zambia.
7. That I am aware that three candidates participated in the poll for member of parliament for Siavonga Constituency namely;
    i) Mulenga Darius of the United Party for National Development (UPND);
    ii) Mweetwa Brave independent; and
    iii) Soko C Edward independent.
8. That after the voting and counting of the votes, on 15th August, 2026 I declared the following results for Member of Parliament for Siavonga Constituency as follows;
    i) Mulenga Darius of the United Party for National Development (UPND) – 11,909;

ii) Mweetwa Brave independent – 10,450; and

iii) Soko C Edward independent – 324

Now shown and produced before me marked "MS 1" is a copy of the Declaration of the results of the poll.

9. That in response to the contents 6 and 7 of the affidavit, I wish to state that I am aware that the issues raised therein were resolved by the District Conflict Management by way of mediation.

10. That the contents of paragraph 8 to 11 are within the deponents' peculiar knowledge.

11. That in response to the contents of paragraph 12 of the affidavit, I wish to state that the 2nd Respondent herein did not receive any reported complaint from either the polling staff or the Petitioner and/or his agents with regards the allegations contained therein.

12. That I am informed by the presiding officer Mr. Yonga Eugine that all illiterate people, the aged and disabled were been assisted by their family members.

13. That the contents of paragraph 13 to 15 of the affidavit are within the deponents' peculiar knowledge.

14. That in response to the contents of paragraph 16 of the affidavit, I am advised by my advocates on record Messrs Nsapato & Co. Advocates and verily believe the same to be true and correct that a recount can be done at the request of a candidate or it's agent at the Polling Station and not at the Totaling Centre.

15. That further to paragraph 14 above, I am aware that the 2nd Respondent did not receive any request from the Petitioner or it's agents at any of the polling stations for a recount at any of the polling stations save for the request at the Totaling Centre to recount the votes when all the ballot boxes were sealed and the witnesses for the other candidates had since left.

16. That in response to the contents of paragraph 17 of the affidavit, I shall repeat the contents of paragraph 8 of this affidavit.

17. That the contents of paragraph 18 of the affidavit are within the deponents' peculiar knowledge.

18. That I am advised by my advocates on record Messrs Nsapato & Co. Advocates and verily believe the same to be true and correct that the contents of paragraph 19 and 20 of the affidavit constitute a legal argument and should be expunged.

19. That in response to the contents of paragraph 21 of the affidavit I shall repeat the contents of paragraph 8 of the affidavit.

20. That further to paragraph 17 above, insofar as the averments relates to agents of the Petitioner been prohibited, assaulted and chased at the totaling centers without providing security are within the deponents' peculiar knowledge.

21. That in response to the contents of paragraph 22 and 23 of the affidavit, I shall repeat the contents of paragraph 14 and 15 of this affidavit.

22. That the contents of paragraph 24 are within the deponents peculiar knowledge.

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

SWORN BY the said )
MBITA STEPHEN )
At Siavonga this 7th )
Day of September 2026 )

DEPONENT

Before me:

Commissioner for oaths

REPUBLIC OF ZAMBIA
JUDICIARY
CLERK OF COURT
07 SEP 2026
COMMISSIONER FOR OATHS
P.O. BOX 96, SIAVONGA

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

2026/HP/EP/001

IN THE MATTER OF: ARTICLE 1(2)(3),8 (c)(e) AND 9 (1)(b) OF THE CONSTITUTION OF ZAMBIA CHAPTER 1 OF THE LAWS OF ZAMBIA

IN THE MATTER OF: ARTICLE 73 (1) AND 70 (1) OF THE CONSTITUTION OF ZAMBIA AS READ WITH SECTION 96(1)(A)(C) AND 2 OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016 OF THE LAWS OF ZAMBIA.

IN THE MATTER OF: ARTICLE 45 (1) (a) (b) (c) (d) AND 87 OF THE CONSTITUTION OF ZAMBIA CHAPTER 1 OF THE LAWS OF ZAMBIA

IN THE MATTER OF: SECTIONS 61,8, 86,87,89 AND 99 OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016 OF THE LAWS OF ZAMBIA

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

IN THE MATTER OF: THE ELECTORAL (CODE OF CONDUCT) (ENFORCEMENT) REGULATIONS, 2016 OF THE LAWS OF ZAMBIA

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

IN THE MATTER OF: THE NATIONAL ASSEMBLY GENERAL ELECTIONS SIAVONGA CONSTITUENCY HELD ON 13TH AUGUST 2023

BETWEEN:

BRAVE MWEETWA — PETITIONER

AND

DALIUS MULUNDA — 1ST RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

REPUBLIC OF ZAMBIA HIGH COURT OF ZAMBIA PRINCIPAL REGISTRY P.O. BOX 50067, LUSAKA 07 SEP 2026

## CERTIFICATE OF EXHIBIT

These are the exhibits referred to in the affidavit of one Mbita Stephen marked as "**MS 1**"

Dated at Siavonga this 7th day of September 2026

Before me: _____

Commissioner for oaths



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

2026/HW/EP/001

IN THE MATTER OF: THE PARLIAMENTARY PETITION RELATING TO THE PALIAMENTARY ELECTIONS FOR THE KASAMA CENTRAL CONSTITUENCY HELD ON 13TH AUGUST 2026

AND

IN THE MATTER OF: THE CONSTITUTION OF ZAMBIA, THE CONSITUTION OF ZAMBIA ACT, CHAPTER 1, VOLUME 1 OF THE LAWS OF ZAMBIA

AND

IN THE MATTER OF: ARTICLE 45,54 AND 73 OF THE CONSTITUTION OF ZAMBIA CONSTITUTION OF ZAMBIA ACT, CHAPTER 1, VOLUME 1 OF THE LAWS OF ZAMBIA

AND

IN THE MATTER OF: SECTIONS 83,87,88,89,94,97,99 AND 100 OF THE ELECTORAL PROCESS (ELECTORAL CODE OF CONDUCT) NO. 35 OF 2016 OF THE LAWS OF ZAMBIA

AND

IN THE MATTER OF: THE HIGH COURT (ELECTION PETITION) RULES 2026 STATUTORY INSTRUMENT NO.31 OF 2026 OF THE LAWS OF ZAMBIA

BETWEEN:

BERNARD MPUNDU — PETITIONER

AND

ELASMOUS CHOMBA CHIPILI — 1ST RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
17 SEP 2026
PRINCIPAL REGISTRY 8
P.O. BOX 50067, LUSAKA.

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AFFIDAVIT IN SUPPORT OF NOTICE OF MOTION TO RAISE PRELIMINARY ISSUE

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I, **ELASMOUS CHOMBA CHIPILI** of House No. 5 Bwalya Road Kasama Central of the Northern province of the Republic of Zambia do hereby make OATH and SAY as follows:

1. That I am a Zambian National.
2. That my address is as stated above.
3. That I am the 1st Respondent in this matter and thus competent to depose to the contents of this my affidavit from the knowledge obtained by me in the said capacity.
4. That the Petitioner caused to be filed a Petition before this Honourable Court 28th August, 2026 claiming the following reliefs:

    a. A Declaration that the election held on the 13th August, 2026 for the Kasama Central Constituency Parliamentary seat was not conducted in accordance with the principles and provisions of the Constitution and the Electoral Process Act, No. 35 of 2016 and was tainted by widespread corrupt and illegal practices, undue influence, violence, intimidation and non-compliance with the Act;

    b. A Declaration that the result of the said election as declared on Form GEN 20b on 15th August, 2026 is void and of no legal effect;

    c. A declaration that the election of the 1st Respondent as Member of Parliament for Kasama Central Constituency is null and void;

    d. An order directing the 2nd Respondent to conduct a fresh election for the Kasama Central Constituency Parliamentary seat, such election to be conducted freely, fairly and in strict compliance with the Electoral Process Act No. 35 of 2016;

    e. That the Petitioner may have such further or other reliefs as the court shall deem fit; and

f. That the Respondents may be ordered to pay costs of and incidental to this Petition.

5. That the said Petition was accompanied by an Affidavit Verifying facts and Skeleton Arguments and the same was served on my Advocates Messrs. Fraser and Company in Kasama.
6. That other than the said documents, the Petitioner has not filed copies of the authorities that he will rely on, a list and description of documents and a bundle of documents that he will rely on at trial.
7. That I have filed my Answer to the Petition with the accompanying documents as provided in Rule 10 (2) of the High Court (Election Petition) Rules 2026 on 14th September, 2026 in Kasama.
8. That I have been advised by my Advocates and verily believe the same to be true that a Petition must be accompanied by the documents that have been provided for in Rule 9 (3) of the High Court ( Election Petition) Rules.
9. That I have been advised by my Advocates and verily believe the same to be true that the list and copies of authorities are a mandatory requirement that should be accompanied by the Election Petition.
10. That I have been advised my Advocates and verily believe the same to be true that failure by the Petitioner to file copies of the authorities renders the Petition incompetent before this Honourable Court.

11. That I have been advised my Advocates and verily believe the same to be true that this Court can determine the issue that I have raised and dismiss the Petition for want of jurisdiction.

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

SWORN by the said )
ELASMOUS CHOMBA CHIPILI )
At Lusaka this…..day of……2026.)

DEPONENT

BEFORE ME: _____
COMMISSIONER FOR OATHS

MANDELA NKUNIKA
17 SEP 2026
Advocate of the High Court for Zambia
COMMISSIONER FOR OATHS

IN THE HIGH COURT FOR ZAMBIA 2026/HP/EP/001
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(Civil Jurisdiction)

IN THE MATTER OF: ARTICLE 1((2)(3), 8 (c) (d) (e ) and 9 (1) (b) OF THE CONSTITUTION OF ZAMBIA CHAPTER 1 OF THE LAWS OF ZAMBIA;

IN THE MATTER OF: ARTICLE 73 (1) AND 70 (1) OF THE CONSTITUTION OF ZAMBIA AS READ TOGETHER WITH SECTION 96 (1) (a) ( c) AND 2 OF THE ELECTORAL PROCESS ACT NO. 35 OF THE LAWS OF ZAMBIA;

IN THE MATTER OF: ARTICLE 45 (1) ( a) (b) (c ) (d) AND (e) OF THE CONSTITUTION OF ZAMBIA CHAPTER OF THE LAWS OF ZAMBIA;

IN THE MATTER OF: SECTION 61,84,86,87,89 AND 99 OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016 THE LAWS OF THE ZAMBIA;

IN THE MATTER OF: THE ELECTORAL PROCESS (CODE OF CONDUCT) (ENFORCEMENT) REGULATIONS, 2016 OF THE LAWS OF ZAMBIA

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

IN THE MATTER OF: THE NATIONAL ASSEMBLY GENERAL ELECTIONS SIAVONGA CONSTITUENCY) HELD ON 13TH AUGUST 2026;

BETWEEN;

BRAVE MWEETWA PETITIONER

AND

DALIUS MULUNDA 1ST RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA 2ND RESPONDENT

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**AFFIDAVIT IN SUPPORT OF A NOTICE OF PAYMENT INTO COURT**

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I, **JUMBANI CHIRWA** of the City and Province of Lusaka of the Republic of Zambia **DO HEREBY MAKE OATH** and **SAY** as follows:

1. That my full names are as stated above.

2. That I am a Zambian by Nationality.

3. That I am an Advocate of the High Court for Zambia practicing the law under the name and style of Messrs. Himulambo & Company whose offices are situated at Office No.12, Stand No. 35222, Alick Nkhata Road, P.O Box 30361, Mass Media in Lusaka aforesaid, the Advocates seized with conduct of this matter for and on behalf of the Petitioner herein and in this capacity, I depose to this Affidavit from such facts and information personally known to me and upon record.

4. That on or about **02nd of September 2026** we did pay into Court Monies for Security for costs amounting to **ZMW 3,200.00.** Herein produced and shown before me now as marked and exhibited as "JC1" is a true copy of the receipt as attached hereto as evidence of the same.

That I depose to the contents of this our Affidavit verily believing the same to be true to the best our knowledge.

**SWORN** by the said )
**JUMBANI CHIRWA** )
**at Lusaka** ) **Deponent**
this 3 day of Sept 2026 )

**BEFORE ME:** .....

**COMMISSIONER FOR OATHS**

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
03 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/001

IN THE MATTER OF: ARTICLE 1((2)(3), 8 (c) (d) (e ) and 9 (1) (b) OF THE CONSTITUTION OF ZAMBIA CHAPTER 1 OF THE LAWS OF ZAMBIA;

IN THE MATTER OF: ARTICLE 73 (1) AND 70 (1) OF THE CONSTITUTION OF ZAMBIA AS READ TOGETHER WITH SECTION 96 (1) (a) ( c) AND 2 OF THE ELECTORAL PROCESS ACT NO. 35 OF THE LAWS OF ZAMBIA;

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BETWEEN;

BRAVE MWEETWA — PETITIONER

AND

DALIUS MULUNDA — 1ST RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

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## CERTIFICATE OF EXHIBITS

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These are the exhibits referred to in the Affidavit of **JUMBANI CHIRWA** and marked and exhibited as "**JC1**" .

Dated at Lusaka this 3 day of Sept 2026

**Before me:**.....

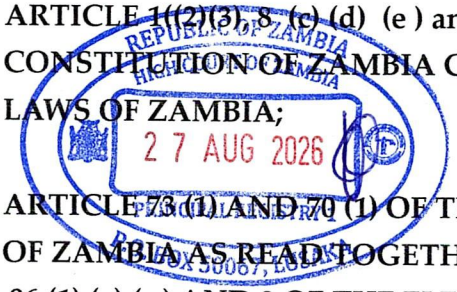
**COMMISSIONER FOR OATHS**

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
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/001

IN THE MATTER OF: ARTICLE 1(2)(3), 8, (c) (d) (e ) and 9 (1) (b) OF THE CONSTITUTION OF ZAMBIA CHAPTER 1 OF THE LAWS OF ZAMBIA;




IN THE MATTER OF: ARTICLE 73 (1) AND 70 (1) OF THE CONSTITUTION OF ZAMBIA AS READ TOGETHER WITH SECTION 96 (1) (a) ( c) AND 2 OF THE ELECTORAL PROCESS ACT NO. 35 OF THE LAWS OF ZAMBIA;

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BETWEEN;

BRAVE MWEETWA — PETITIONER

AND

DALIUS MULUNDA — 1ST RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

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AFFIDAVIT VERIFYING FACTS

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**I, BRAVE MWEETWA** of the City and Province of Lusaka of the Republic of Zambia, **DO HEREBY MAKE OATH** and **SAY** as follows:

1. That my full names are as stated above.

2. That I am Zambian by Nationality.

3. That I reside at Stand No. 12 Sub A Off Greg Lungu Road Lusaka, aforesaid.

4. That I am the Petitioner herein and thus competent to depose to this Affidavit from such facts personally known to me and from such information and upon record.

5. That on or about **13th of August 2026**, I did contested as the Candidate for the Position of Member of Parliament for the General elections in Siavonga Constituency as an Independent candidate in Siavonga District of the Southern Province of the Republic of Zambia.

6. That Sometimes in or about **January 2026**, whilst the Petitioner was a member of Pamodzi Alliance did made a comment that President Hichilema needs to bury his predecessor. This comment was made in Kabwe by the Petitioner herein in the capacity as the National Youth Chairperson.

7. That in addition to **paragraph 5** above, sometimes in **June 2026**, the 1st Respondent used the comment which were made by the Petitioner in paragraph 5 above on his campaigns. The Petitioner on or about **7th June 2026** brought this issue to the attention of the Returning Officer. The District Conflict Management called for the meeting where it was resolved that the 1st

Respondent must stop using inappropriate references towards the Petitioner. Herein produced and shown before me now as marked and exhibited as **"BM1"** is a true copy of the correspondence as attached hereto as evidence of the same.

8. That on the **12th day of August 2026** at around **17:00 hours**, during a live broadcast rally which rally was broadcasted by Kariba Radio Station, did play an old audio at the said rally which audio purported that the Petitioner was sent by Brian Mundubule of National Reconciliation Party for Unity and Prosperity (NRUP) and that he was not an independent candidate. The 1st Respondent who was in accompanied by Siavonga District Commission did play the audio which audio have the remarks which were made when the Petitioner was the Youth Chairperson for Pamodzi Alliance the said audio will be tendered as part of the evidence once retrieved from Kariba Radio Station

9. That in addition to **paragraph 8** above, the 1st Respondent went ahead at the said rally to state that if the People of Siavonga will vote for the Petitioner, it is the same as they are bringing the Former Patriotic (PF) party who were the criminals in this country.

10. That the statement which was altered by the 1st Respondent against the Petitioner at the said live broadcast made a lot of people within Siavonga Constituency not to vote for the Petitioner herein who had believed that indeed the Petitioner is not an independent candidate.

11. That the Parliamentary Election which is the subject of this Petition which election were held in Siavonga Parliamentary Constituency, comprising, inter

alia, approximately sixty-seven (67) polling stations, including the polling stations and streams particularized below;

a. Changa Secondary Polling Station which has two streams;
b. Namumu Polling Station which has two streams;
c. Namumba Polling Station; and
d. Siabamba Polling Station

12. That at Changa Polling Station, the 1st Respondent Son and / or relative by the name of Danwell Mulunda who was a polling Assistant Officer together with the Presiding Officer by the name of Yonga Eugine were assisting illiterate people, aged people and disabled people to put a voting mark in favour of the 1st Respondent, the conduct of which was condemned by the Agents and the very people whom they was assisting.

13. That during voting on the **13th of August 2026**, the 1st Respondent instructed his colleagues and / or party members to be cooking within the perimeters of the voting premise and promising people that once they vote for the 1st Respondent, they should be coming to collect nshima. This happened at Changa Polling Station and most polling stations in Siavonga Constituency. Herein produced and shown before me now as marked and exhibited as **"BM3"** is a true copy of the pictures showing colleagues of the 1st Respondent Cooking as attached hereto as evidence of the same

14. That at the closure of the above-mentioned Polling stations in **paragraph 8** above, the agents of the Petitioner were chased at the Polling Stations by the 1st Respondents Agents. This happened in full view of the 2nd Respondent; the 2nd

Respondent proceeded to count ballot papers in the absences of the Agents of the Petitioner.

15. That when one of Petitioner's Agent by the name of Sibalwa Glorious refused to leave the Polling station, the Agents of the 1st Respondent beat him mercilessly thereby causing him an occasioning bodily harm. Herein produced and shown before me now as marked and exhibited as **"BM4"** is a true copy of the medical report as attached hereto as evidence of the same

16. That on or about **14th August 2026**, the Petitioner wrote to the Chief Electoral Officer of the 2nd Respondent seeking the recounts of the votes as the votes at the totaling centers were counted in the absence of the Petitioners agents. The Returning Officer informed the Petitioner that he was unable to do so as the Electoral Commission of Zambia has suspended the counting and announcing of the election results till further notice. Herein produced and shown before me now as marked and exhibited as **"BM5"** is a true copy of the said correspondence as attached herein as evidence of the same.

17. That after the Electoral Commission of Zambia lifted the suspension, the Returning Officer went on to account and announce that the 1st Respondent was the duly elected Member of Parliament for the said Constituency. Herein produced and shown before me now as marked and exhibited as **"BM6"** is a true copy of the said Gen 20 as attached herein as evidence of the same;

18. That on or about **17th August 2026**, the Petitioner went to the 2nd Respondent to complain on how the elections were held in Siavonga Constituency, in response the 2nd Respondent told the Petitioner that he can only petition the High Court

as the winner of the poll of the said election was already declared as per law demands

19. That the Petitioner disputes the validity of the election and declaration of the 1st Respondent and contends that the election was characterized by electoral irregularities, illegal practices, misconduct, intimidation, interference with polling agents, improper assistance of voters, campaigning within prohibited areas, misrepresentation and material non-compliance with the Electoral Process Act.

20. That the Petitioner further avers that the acts complained of were sufficiently widespread and/or serious to undermine the integrity of the election and affected or may reasonably have affected the result.

21. That I have been advised by my Advocates which advise I verily believe the same to be true and correct that the non-compliance by the 2nd Respondent to provisions of the Electoral Process Act and the Electoral Code of Conduct when 2nd Respondent went ahead with the counting after the Agents of the Petitioner were prohibited, assaulted and chassed at the totaling centres without providing security to the said Agents as per law demands, undermines the free and fair elections on the said day.

22. That I have been further advised by my Advocates which advise I verily believe the same to be true and correct that the non-compliance of the 2nd Respondent polling Assistant Officer in assisting illiterate people, aged people and disabled people to put a voting mark in favour of the 1st Respondent, the conduct of which was condemned by the said people whom he was assisting. The action of the said 2nd Respondent was contrary to rules and regulations of the electoral code of Conduct.

23. That furthermore, my Advocates have advised me which advise I verily believe the same to be true and correct that the non-compliance of the 2nd Respondent Polling Agents to stop the counting and verification of the casted ballot papers when the Agents of the Petitioner were chased from the polling stations contravenes the provisions of the Electoral Process Act.

24. That I am advised by my Advocates which advise I verily believe the same to be true and correct that that the 1st Respondent contravened the Electoral Process Act and the Electoral Process Code which prohibits anybody at the voting day to offer any bride and / or to stay within the perimeter of the voting premises by either offering promises and / or providing any inducement in order for the people to vote for the 1st Respondent.

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

**SWORN** by the said )

**BRAVE MWEETWA** )

At Lusaka )

This 27th day of Aug 2026 )



**Deponent**

**BEFORE ME:** _____

**COMMISSIONER FOR OATHS**



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

REGISTRY OF ZAMBIA HIGH COURT OF ZAMBIA 27 AUG 2026 PRINCIPAL REGISTRY P.O. BOX 50067, LUSAKA.

IN THE MATTER OF: ARTICLE 1((2)(3), 8 (c) (d) (e ) and 9 (1) (b) OF THE CONSTITUTION OF ZAMBIA CHAPTER 1 OF THE LAWS OF ZAMBIA;

IN THE MATTER OF: ARTICLE 73 (1) AND 70 (1) OF THE CONSTITUTION OF ZAMBIA AS READ TOGETHER WITH SECTION 96 (1) (a) ( c) AND 2 OF THE ELECTORAL PROCESS ACT NO. 35 OF THE LAWS OF ZAMBIA;

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BETWEEN;

BRAVE MWEETWA PETITIONER

AND

DALIUS MULUNDA 1ST RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA 2ND RESPONDENT

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## CERTIFICATE OF EXHIBITS

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These are the exhibits in the Affidavit of **BRAVE MWEETWA** referred to and marked as **BM1 to BM6**.

Dated.....27th.....day.....2026

.....

**Commissioner of Oaths**

REPUBLIC OF ZAMBIA HIGH COURT OF ZAMBIA 27 AUG 2026 SENIOR ASSISTANT REGISTRAR COMMISSIONER FOR OATHS P. O. BOX 50067, LUSAKA