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

2026/HP/EP/029

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
04 SEP 2026
P.O. BOX 50067, LUSAKA

IN THE MATTER OF:	ARTICLES 1 (2), (3) AND 8 (c), (d) (e) OF THE CONSTITUTION OF ZAMBIA, CHAPTER ONE OF THE LAWS OF ZAMBIA
IN THE MATTER OF:	REGULATION 47 OF THE ELECTORAL PROCESS (GENERAL) REGULATIONS, 2016.
IN THE MATTER OF:	ARTICLES 45 (1)(a), (2)(b)(b)(c), (3) 73(1) OF THE CONSTITUTION OF ZAMBIA, CHAPTER ONE OF THE LAWS OF ZAMBIA AS READ TOGETHER WITH SECTION 64, 69, 70,96, 97,98 AND 99 OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016
IN THE MATTER OF:	SECTION 81 (1)(a) ,83 (1) (a) (d), (2) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016.
IN THE MATTER OF:	PART III OF THE HIGH COURT (ELECTION PETITION) RULES, 2026
IN THE MATTER OF:	AN ELECTION PETITION RELATING TO KASENENGWA CONSTITUENCY PARLIAMENTARY ELECTIONS HELD ON THE 13TH DAY OF AUGUST 2026

BETWEEN:

ZIWA LEVISON	PETITIONER
AND	
TWASA PHILIMON	1ST RESPONDENT
THE ELECTORAL COMMISSION OF ZAMBIA	2ND RESPONDENT

1ST RESPONDENT'S AFFIDAVIT IN OPPOSITION TO PETITIONER'S PETITION

I, **TWASA PHILIMON**, a Zambian national of Plot M1711 Ibex Hill, in the Republic of Zambia, **MAKE OATH** AND **SAY** as follows:

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

2. That I am the 1st Respondent herein and was a candidate in the Parliamentary Election for Kasenengwa Constituency held during the General Election on 13th August 2026, and by virtue thereof, I am competent to swear this Affidavit.

3. That I have read the Election Petition filed herein by the Petitioner, together with the Affidavit Verifying Facts and the Skeleton Arguments filed in support of the Petition.

4. That I have caused my Answer to the Petition to be filed herein and confirm the contents thereof insofar as the same relate to matters within my personal knowledge.

5. That I contested the Parliamentary Election for Kasenengwa Constituency during the General Election held on 13th August 2026, and the Petitioner, ZIWA LEVISON, also contested the said election.

6. That following the counting and verification of the votes cast, the Petitioner obtained **13,339** votes, whilst I obtained **14,582** votes, and I was thereafter declared the duly elected Member of Parliament for Kasenengwa Constituency.

7. That in response to paragraphs 6 and 7 of the Affidavit Verifying Facts, I deny the allegation that the election was not conducted in a free and fair manner, as I have not engaged in, directed, authorised, sanctioned or otherwise participated in any illegal practice or electoral misconduct alleged in the Petition.

8. That I further state that I do not know the said Village Headman Mulenga or Malijeni referred to in the Petition. That I therefore have no personal knowledge of the alleged acts attributed to the said persons and did not direct, authorise, sanction or approve any conduct on their part in relation to the election.

9. That in response to paragraphs 9 and 10 of the Affidavit Verifying Facts, I deny the allegations that I and/or my agents engaged in acts of violence, intimidation or any other misconduct during the election.

10. That I did not direct, authorise or sanction my election agents, polling agents, supporters or any person acting on my behalf to engage in violence, intimidation or any other unlawful conduct.

11. That in response to paragraph 11 of the Affidavit Verifying Facts, and in relation to the allegation concerning the distribution of sausages, I deny that my agents or I engaged in any corrupt practice or distributed food to voters for the purpose of influencing them to vote for me. That the sausages referred to by the Petitioner were provided as lunch for my election agents and were not distributed to any of voters.

12. That in response to paragraph 13 of the Affidavit Verifying Facts, I do not have personal knowledge of the allegation that GEN 20 Forms were not provided to the Polling Agents at the alleged polling station, nor was the provision of GEN 20 Forms a matter within my personal control or responsibility.

13. That I am, however, aware that Polling Agents representing the respective candidates were present during the electoral process and participated in and witnessed the proceedings relating to the counting and declaration of results.

14. That the electoral processes relating to the counting and declaration of results were conducted in the presence of the Polling Agents representing the respective candidates.

15. That in response to paragraph 14 of the Affidavit Verifying Facts, and in relation to the allegation concerning the assistance of illiterate voters by Presiding Officers, I verily believe that any assistance provided to a voter who was unable to vote without assistance was undertaken by the Presiding Officers in the course of performing their electoral functions.

16. That I further state that any such assistance was not undertaken at my direction, instruction or for my benefit. I put the Petitioner to strict proof of the allegation that any such assistance was undertaken for my benefit

17. That in response to paragraphs 15, 16 and 17 of the Affidavit Verifying Facts, and in relation to the allegations concerning the sorting, counting and announcement of

results, I state that the sorting, counting and announcement of results were conducted in the presence of, and witnessed by, Polling Agents representing the respective candidates. That the said processes were conducted in accordance with the applicable electoral procedures.

18. That in response to paragraphs 18 and 19 of the Affidavit Verifying Facts, and in relation to the allegation that rejected ballots were unlawfully added to the votes attributed to me, I categorically deny that any rejected ballots were unlawfully added to my votes.

19. That I state that the votes attributed to me were the votes counted and verified by the electoral officials during the electoral process in the presence of the Polling Agents representing the respective candidates.

20. That in response to paragraphs 20, 21 and 22 of the Affidavit Verifying Facts, I state that I am not aware of any material irregularities having occurred during the sorting, counting or announcement of the election results.

21. That I further state that the counting and announcement of results were duly conducted in accordance with the applicable electoral procedures and in the presence of the Polling Agents representing the respective candidates.

22. That I am not aware of any valid objection raised by the Petitioner's Polling Agents during the relevant electoral processes which established any material irregularity capable of affecting the result of the election.

23. That to the extent that the allegations now advanced by the Petitioner were not raised contemporaneously during the relevant electoral processes, I verily believe that the same were raised as an afterthought.

24. That in response to paragraphs 24, 25, 26, 27 and 28 of the Affidavit Verifying Facts, and in relation to the alleged written complaints and requests for a recount, I state that I am not aware of any complaint or request which demonstrated that the results declared by the 2nd Respondent were inaccurate or otherwise invalid.

25. That I further state that the authenticity, contents, circumstances and relevance of any purported complaint or document relied upon by the Petitioner are matters to be determined upon the evidence presented at trial.

26. That I verily believe that any complaint letter or document relied upon by the Petitioner ought, in any event, to be considered in its proper context, including the circumstances in which it was made and its relevance to the declared election results.

27. That in response to paragraphs 29, 30 and 31 of the Affidavit Verifying Facts, I state that the results were accurately recorded at the respective Polling Stations in the presence and view of the Polling Agents representing the respective candidates.

28. That the authenticity, contents and evidential value of any document exhibited by the Petitioner in support of the allegations relating to the recording or declaration of results are matters which I reserve for determination by this Honourable Court upon hearing the evidence.

29. That in response to paragraphs 32 and 33 of the Affidavit Verifying Facts, I categorically deny that I, my election agents, polling agents, supporters or any person acting on my behalf, or with my knowledge, consent, authority or approval, engaged in intimidation, violence or any other electoral misconduct alleged in the Petition.

30. That I verily believe that my election was conducted in accordance with the Constitution and applicable electoral laws and that there was no irregularity attributable to me or the 2nd Respondent which affected the outcome of the election.

31. That I further verily believe that the allegations contained in the Petition, whether considered individually or collectively, do not disclose any factual basis upon which my election and declaration as the duly elected Member of Parliament for Kasenengwa Constituency ought to be set aside or the votes recounted.

32. That I verily believe that the Petition does not disclose sufficient facts or evidence to warrant the grant of the reliefs sought against me.

33. That I make this Affidavit in good faith in opposition to the Petition and in support of my Answer thereto.

34. That what is stated herein is true and correct to the best of my knowledge, information and belief.

SWORN by the said
TWASA PHILIMON)
at LUSAKA this _____day of)
_____2026)

_____
DEPONENT

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
COMMISSIONER FOR OARTHS
P. O BOX LUSAKA

BEFORE ME: _____
COMMISSIONER FOR OATHS