**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
08 SEP 2026
PRINCIPAL REGISTRY 3
P.O. BOX 50067, LUSAKA

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| **IN THE MATTER OF:** | **ARTICLE 1(2), (3) AND 8(c), (d), (e) OF THE CONSTITUTION OF ZAMBIA, CHAPTER 1 OF THE LAWS OF ZAMBIA** |
| **IN THE MATTER OF:** | **REGULATION 47 OF THE ELECTORAL PROCESS (GENERAL) REGULATIONS, 2016** |
| **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, 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:** | **AN ELECTION PETITION RELATING TO KASENENGWA CONSTITUENCY PARLIAMENTARY ELECTIONS HELD ON THE 13TH DAY OF AUGUST, 2026** |

**BETWEEN:**

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

**AFFIDAVIT IN OPPOSITION TO AFFIDAVIT VERIFYING THE FACTS**

I, **JOHN DAKA**, a Zambian national of Chipata Motel in Chipata of the Eastern Province of the Republic of Zambia, do hereby make **OATH** and **SAY** as follows;

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

2. That I was the Returning Officer designated by the 2nd Respondent for Kasenengwa Constituency during the General Elections held on 13th August 2026 and, by virtue of the said position and the matters that came to my knowledge in the course of the conduct, supervision and tallying of the election, I am competent to swear to this Affidavit.

3. That I have read the Affidavit Verifying Facts sworn by Ziwa Levison, the Petitioner (hereinafter referred to as "the Affidavit Verifying Facts") and, in response thereto

and to the matters arising from the electoral records and proceedings within my knowledge, I state as follows.

4. That the Petitioner was one of the candidates who contested the Parliamentary seat for Kasenengwa Constituency during the General Elections held on 13th August 2026 under the ticket of the United Party for National Development (UPND), whilst the 1st Respondent contested the same seat under the ticket of the National Reconciliation Party for Unity and Prosperity (NRPUP).

5. That following the conclusion of the electoral process, the 1st Respondent was declared duly elected as Member of Parliament for Kasenengwa Constituency by the 2nd Respondent, having obtained a majority of 1,243 votes over the Petitioner.

6. That during the conduct of the General Elections, the 2nd Respondent did not receive any objection or complaint concerning the alleged widespread threats, intimidation or other acts allegedly perpetrated by Village Headmen or persons said to be affiliated with the 1st Respondent across the various Wards in Kasenengwa Constituency.

7. That, during the voting, sorting and counting processes at the various Polling Stations, agents affiliated with the Petitioner raised objections concerning various aspects of the electoral process, which objections were dealt with by the respective Presiding Officers in accordance with the applicable electoral procedures.

8. That the 2nd Respondent made available the prescribed GEN20 Forms for use at the Polling Stations within Kasenengwa Constituency and the relevant electoral records were completed during the conduct of the election.

9. That the 2nd Respondent did not receive any objection or complaint concerning any allegation that Presiding Officers had cast votes on behalf of voters who were unable to read or write.

10. That where objections were raised during the electoral process, appeals were received against certain decisions made by Presiding Officers, and upon receipt of such appeals, I sought guidance from the District Elections Officer regarding the appropriate procedure to be followed in dealing with the same.

11. That I have considered the particular discrepancies identified by the Petitioner by reference to the GEN20 Forms and the Record of Proceedings exhibited in the Affidavit Verifying Facts.

12. That at Samuel School-01 Polling Station, the GEN20 Form marked "ZL41" records that the Petitioner obtained 348 votes and that the 1st Respondent obtained 148 votes. In contrast, the Record of Proceedings marked "ZL42" records 248 votes for the Petitioner and 248 votes for the 1st Respondent.

13. That the figures appearing in the two records therefore differ by 100 votes in respect of each of the two candidates, with the Petitioner's recorded votes being 100 votes lower in the Record of Proceedings and those of the 1st Respondent being 100 votes higher.

14. That at Chiparamba-01 Polling Station, the GEN20 Form marked "ZL40" records that the Petitioner obtained 205 votes and that the 1st Respondent obtained 108 votes. In contrast, the Record of Proceedings marked "ZL42" records 126 votes for the Petitioner and 260 votes for the 1st Respondent.

15. That the figures therefore show a difference of 79 votes in respect of the Petitioner's recorded votes and a difference of 152 votes in respect of the 1st Respondent's recorded votes between the two records.

16. That at Chingazi School-01 Polling Station, the GEN20 Form marked "ZL39" records that the Petitioner obtained 144 votes and that the 1st Respondent obtained 47 votes. In contrast, the Record of Proceedings marked "ZL42" records 124 votes for the Petitioner and 67 votes for the 1st Respondent.

17. That the figures therefore show a difference of 20 votes in respect of each candidate between the GEN20 Form and the Record of Proceedings.

18. That at Chikungu School-01 Polling Station, the GEN20 Form marked "ZL38" records that the Petitioner obtained 291 votes and that the 1st Respondent obtained 131 votes. In contrast, the Record of Proceedings marked "ZL42" records 271 votes for the Petitioner and 151 votes for the 1st Respondent. The figures therefore show a difference of 20 votes for each candidate between the two records.

19. That at Musukwala New Apostolic Church Polling Station, the GEN20 Form marked "ZL37" records that the Petitioner obtained 137 votes and that the 1st Respondent obtained 132 votes. In contrast, the Record of Proceedings marked "ZL42" records 80 votes for the Petitioner and 113 votes for the 1st Respondent.

20. That the figures therefore show a reduction of 57 votes in the votes recorded for the Petitioner and a reduction of 19 votes in the votes recorded for the 1st Respondent when the figures appearing in the Record of Proceedings are compared with those appearing on the GEN20 Form.

21. That, after further consideration of the GEN 20 Forms marked "ZL37–ZL41", the Petitioner obtained a total of 1,125 votes. In contrast, the Record of Proceedings marked "ZL42" records that the Petitioner obtained 849 votes, thereby resulting in a discrepancy of 276 votes, being a deduction of 276 votes from the total number of votes reflected in the GEN 20 Forms.

22. That in relation to the 1st Respondent, the GEN 20 Forms marked "ZL37-ZL41", the 1st Respondent obtained a total of 566 votes. In contrast, the Record of Proceedings marked "ZL42" records that the 1st Respondent obtained 839 votes, resulting in a discrepancy of 273 votes, being an increment of 273 votes from the total number of votes reflected in the GEN 20 Forms.

23. That in relation to appeals received during the electoral process, I sought guidance from the District Elections Officer on the procedure to be followed before taking the appropriate administrative steps in relation to the same.

24. That I depose to this Affidavit in Opposition verily believing the contents herein to be true and correct to the best of my knowledge and belief.

**SWORN** by the said **JOHN DAKA** )
at Chipata this 8th )
day of SEPTEMBER 2026 )

.....
DEPONENT

**BEFORE ME:** .....
**COMMISSIONER OF OATHS**

REPUBLIC OF ZAMBIA
ZAMBIA COURT ECTIONAL SERVICE
COMMISSIONER FOR OATHS
08 SEP 2026
EASTERN REGION
P.O Box 510050
CHIPATA