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

2026/HP/EP/021

IN THE MATTER OF: **ARTICLES 47(2), 51, 54, 68, 72 (2) C, 73 (1) OF THE CONSTITUTION OF THE REPUBLIC OF ZAMBIA**

AND

IN THE MATTER OF: **SECTIONS 81, 89, 97 (1), 98 (C), 99, 100 (2) (a) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016**

IN THE MATTER OF: **CODE OF CONDUCT RULES 12, 15 (a), (h), (K)**

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

AND

IN THE MATTER OF: **CHADIZA WEST CONSTITUENCY ELECTIONS HELD IN ZAMBIA ON THE 13TH DAY OF AUGUST, 2026**

AND

IN THE MATTER OF: **RULE 9 (1) OF THE HIGH COURT (ELECTION PETITION) RULES 2026, STATUTORY INSTRUMENT NO. 31 OF 2026**

BETWEEN:

JONATHAN DAKA **PETITIONER**

AND

OBET PHIRI **1ST RESPONDENT**
ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

ELECTION PETITION

The Petition of **JONATHAN DAKA** of Chiguduli Village, Chief Mulolo, Chadiza in the Eastern Province of the Republic of Zambia **SHOWTH**;

1. Your Petitioner **JONANTHAN DAKA** is the person who was a candidate in Chadiza West Constituency Parliamentary Elections held on the 13th August, 2026 having been adopted by the United Party for National Development (UPND) and duly nominated.

2. Your Petitioner states that in the Election referred to in paragraph 1 hereof, the following persons were candidates namely; **Obet Phiri, Jonathan Daka and Mirriam Sakala.**

   And the Returning Officer declared the 1st Respondent as duly elected.

3. The Election was held on the 13th August, 2026 and the Returning Officer declared the following results;

Obet Phiri	NRPUP	8,566
Jonathan Daka	UPND	7,085
Mirriam Sakala	CF	439

4. Your Petitioner will further say that the said Election was conducted by the 2nd Respondent, the Electoral Commission of Zambia.

5. Your Petitioner states that contrary to the declaration by the Returning Officer that the 1st Respondent was duly elected, the 1st Respondent was not validly elected for the reasons hereunder;

   (i) That the 1st Respondent who was standing on the NRPUP was distributing unbranded chitenje materials in all the Polling stations during the campaigns and on the actual day of voting.

   (ii) That the said candidate was reported to the Conflict Management Committee where the said candidate even admitted and promised to stop but continued to distribute especially in the night.

   (iii) That some of the chitenje materials were confiscated by the Petitioner and his Agents and currently the said vitenje materials are in the custody of the Petitioner.

(iv) That the 1st Respondent was even buying votes on the actual voting day by distributing K10.00 notes to all the voters on the queue while pretending to be just greeting the voters and yet not.

(v) The 1st Respondent together with his agents were seen putting voters on the queue while showing the NRPUP symbol to them and others.

(vi) That at Chiyambi Polling Station, the Petitioner was forced to allow his children vote quickly and leave while the 1st Respondent and his agents remained behind and continued with their illegal practices.

(vii) That at Mangwe Polling Station, one of the UPND members by the name of Laundani Phiri was forcefully removed from the queue when he merely complained that NRPUP were busy campaigning on the queue but instead the Immigration Officer, who was providing security services chased away the said Laundani Phiri out of the said Polling Station alleging that he was causing confusion and yet not.

(viii) That as an interested party, the Petitioner was not allowed to access the totaling centre which was surrounded by the NRPUP members only.

(ix) That there was massive manipulation of votes and tempering with the Gen 20 forms where the UPND Polling Agents were not allowed to sign the said important documents particularly from;

(a) Naviluli (01) Polling station where the original Gen 20 was never signed by any other official apart from the Presiding Officer.

(b) At Chisomo Polling Station in Tikondane ward, Trevor Siabwengu was badly beaten in the presence of the 1st Respondent and the matter was reported at Zemba Police Post still unresolved to date.

(x) That the Ward Chairman, Mr. Bernard Phiri for Chadiza Ward was using death threats on the UPND Polling Agents particularly the UPND Chairlady for Chadiza Ward, Madam Tiziwenji Banda, who was told that she would be killed by the said Bernard Phiri.

6. Your Petitioner states that as a consequence of the aforesaid illegal practices committed by the 1st Respondent and his Agents, the majority of the voters in the affected area and / or Polling Stations were prevented from electing the candidate in the Constituency whom they preferred.

BY REASON OF THE FOREGOING, YOUR PETITIONER PRAYS;

1. A declaration that the election of the 1st Respondent as a Member of Parliament for Chadiza West Constituency is **NULL AND VOID AB INITIO**.

2. A declaration that the illegal practices committed by the 1st Respondent and / or his agents affected the election result and that the same ought to be nullified.

3. Such other declarations and orders as this Honourable Court may deem fit including a recount.

4. An Order that costs occasioned by the Petitioner be borne by the 1st Respondent.

Dated the _____ day of _____ 2026

Signed by: _____

JONATHAN DAKA
PETITIONER

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TO: The Legal Counsel
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ADVOCATES FOR THE 2ND RESPONDENT