IN THE HIGH COURT FOR ZAMBIA **2026/HP/EP/...027**
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(Civil Jurisdiction)



IN THE MATTER OF:	**PARLIAMENTARY PETITION RELATING TO THE PARLIAMENTARY ELECTIONS FOR MPIKA NORTH CONSTITUENCY HELD ON 13TH AUGUST 2026.**
IN THE MATTER OF:	**THE CONSTITUTION OF ZAMBIA, THE CONSTITUTION OF ZAMBIA ACT, CHAPTER 1 OF THE LAWS OF ZAMBIA AS AMMENDED.**
IN THE MATTER OF:	**ARTICLES 1, 2, 5, 8, 9 ,45, 46, 47, 48 ,49, 50, 54, 70, 71, 72, AND 73 OF THE CONSTITUTION OF ZAMBIA, CONSTITUTION ACT, CHAPTER 1, VOLUME 1, OF THE LAWS OF ZAMBIA.**
IN THE MATTER OF:	**SECTIONS 29, 37, 38, 55, 68, 72, 77, 81, 83, 84, 86, 89, 94, AND 95, OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016 OF THE LAWS OF ZAMBIA.**
IN THE MATTER OF:	**SECTION 96, 97, 98, 99, 100, 106, 107 AND 108 OF THE ELECTORAL PROCESS ACT NO. 35 OF THE 2016 OF THE LAWS OF ZAMBIA.**
IN THE MATTER OF:	**THE ELECTORAL CODE OF CONDUCT 2016**
IN THE MATTER OF:	**RULE 9 OF THE HIGH COURT (ELECTION PETITION) RULES 2026, SI NO. 31 0F 2026**
IN THE MATTER OF:	**THE ELECTION OF FRANCIS ROBERT KAPYANGA AS MEMBER OF PARLIAMENT FOR MPIKA NORTH CONSTITUENCY IN MPIKA DISTRICT.**

BETWEEN:

MORDECAI SICHALWE	**PETITIONER**
AND	
FRANCIS ROBERT KAPYANGA	**1ST RESPONDENT**
ELECTORAL COMMISSION OF ZAMBIA	**2ND RESPONDENT**

ELECTION PETITION

THE PETITION OF ONE MORDECAI SICHALWE a Zambian National Resident at Plot No. 235/18 Kaunda Square Stage 2, Off Great East Road, In the District and Province of Lusaka of the Republic Zambia **SHOWETH** that:

1. Your Petitioner states that he was a candidate in the Mpika North Constituency Parliamentary election held on the 13th August, 2026 in the Northern Province of the Republic of Zambia where he was contesting to be elected as member of Parliament (MP) under the ticket of the United Party for National Development (UPND). The petitioner claims to have had a right to be elected in the position of Member of Parliament for the aforesaid constituency at the abovementioned elections.

2. Your Petitioner initiates these proceedings to petition the 1st and 2nd Respondents, through this Honourable Court, as a member of the public and as a participant in the 13th August, 2026 general elections, seeking redress of grievances regarding the manner in which the aforesaid elections were conducted.

3. Your petitioner states that in addition to the Petitioner the following persons were also vying to be elected as a member of parliament for Mpika North Constituency in the election referred to in paragraph 1 above; that is to state;
   a) **Chilufya Sata - Independent**
   b) **Francis Kapyanga- NRPUP**
   c) **Bernard Chibale-CF**

4. Your Petitioner states that on the 15th of August 2026, the Returning officer from the Electoral Commission of Zambia (ECZ) Mr Donatello Singa Declared the 1st Respondent as having been duly elected as Member of Parliament for Mpika North Constituency on supposedly obtaining 19,925 votes

5. Your Petitioner states that he was declared as having received Three Thousand Eight Hundred and Six (3806) votes, while the other contestants got the following results;
    a. Chilufya Sata – 298 Votes
    b. Bernard Chibale – 243 votes
6. Your Petitioner will aver that the said election was conducted by the 2nd Respondent, the Electoral Commission of Zambia (ECZ) who has the mandate to do so.
7. Your Petitioner states that during the campaign period the National Reconciliation party for unity and prosperity (NRPUP) team including the 1st Respondent by himself or through his agents did engage in vote buying by giving money to voters in exchange for their vote.
8. The Petitioner also states that during the same campaign and on the day of the said election period the 1st Respondent by himself of through his agents attacked the Petitioner and his team and assaulted the election observers representing the Petitioner causing them to flee from the polling stations and report at Mika Central Police
9. That the 2nd Respondents did nothing to stop the violence towards the Petitioners observers and both polling officers and police officers despite issuing a police report did not apprehend the known assailants nor eject them from the polling station as they were fearful of the 1st Respondent and his campaign team.

10. The Petitioner states that the 1st Respondent through their agents during their public rallies and radio appearance in my constituency were quoted and publicly urged voters to not vote for the Petitioner as he is a harvester of human organs.

11. The Petitioner therefore 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:

Grounds Relied on:

And Your Petitioner say that;

12. Your Petitioner states that the Electoral Commission of Zambia (ECZ) refused, neglected or omitted to issue any form GEN 20 in most areas in my constituency.

13. Your petitioner states that the ECZ's refusal to issue Form GEN 20 at every stage of the electoral process deprived the Petitioner opportunity to be granted a free and fair election.

14. Your Petitioner will aver that the public, malicious, misleading, insulting and entirely false notion uttered by the 1st Respondents team with the knowledge, consent and/or approval of the 1st Respondent, labelling the Petitioner as an organ harvester caused mass panic in voters who supported the Petitioner preventing the majority of voters from voting for him.

15. Your petitioner will further aver that the said Presiding Officers with knowledge and consent or approval of the 1st Respondent and or his

agents, deliberately and or fraudulently refused, neglected and or omitted to perform their role to conduct a transparent, free and fair election to the detriment of your Petitioner.

16. Your Petitioner states that the 1st Respondent and the 2nd Respondent by themselves and or by their agents clandestinely involved themselves in misconducts committed in relation to the Mpika North Constituency Parliamentary Elections held on the 13th August, 2026, actions which were against the spirit of the Republican Constitution, the Electoral Process Act No. 35 of 2016 and the Electoral Code of Conduct of 2016.
17. Your Petitioner further contends that the servants and/or agents of the 2nd Respondent in collusion with some operatives of the 1st Respondent systematically, deliberately and/or fraudulently refused, neglected and/or omitted to perform their role to conduct a transparent, free and fair election to the detriment of the petitioner.

18. Your Petitioner states that as a consequence of the aforesaid misconduct committed by the 1st and 2nd Respondent and their agents, the voters in the affected areas and polling stations were prevented from electing a candidate of their preference in the constituency.

Reliefs:

WHEREOF Your Petitioner PRAYS for;

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

2. A declaration that the illegal practices committed by the 1st and 2nd Respondents or their agents affected the election results;

3. A declaration that the Petitioner is the duly elected Member of Parliament for Mpika North Constituency;

4. An Order that costs be borne by the Respondents;

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

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MORDECAI SICHALWE

PETITIONER

Dated at LUSAKA this ..... day of ..... 2026.

MESSRS. CL MUNDIA AND COMPANY
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LUSAKA
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ADVOCATES FOR THE PETITIONER

To: **1ST Respondent**
FRANCIS ROBERT KAPYANGA
Chinsali

To: **2nd Respondent**
The Chairperson
Electoral Comission of Zambia
Elections House
Haile Selassie Road
Long Acres
Lusaka.