

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

2021/HP/EP007

IN THE MATTER OF:

AND IN THE MATTER OF:

AND IN THE MATTER OF:

THE ELECTORAL PROCESS ACT NO.35 OF 2016 OF THE
LAWS OF ZAMBIA.

PARLIAMENTARY ELECTION FOR SHIWAN'GANDU
CONSTITUENCY HELD ON THE 12TH AUGUST 2021.

ELECTION PETITION BY ALBERT MUNANGA.

BETWEEN:

ALBERT MUNANGA

PETITIONER

AND

STEPHEN KAMPYONGO

1ST RESPONDENT

THE ELECTORAL COMMISSION OF ZAMBIA

2ND RESPONDENT

PETITION

The Petition of ALBERT MUNANGA of Lusaka in the Lusaka District of the Republic of Zambia
SHOWETH that:

1. Your Petitioner ALBERT MUNANGA is a person who was a candidate at the aforesaid election.
2. Your Petitioner ALBERT MUNANGA states that the election was held on the 12th day of August 2021 when STEPHEN KAMPYONGO for the Patriotic Front (PF) was declared as being duly elected.
3. Your Petitioner polled 7,214 votes against the 1st Respondent's 16,451 votes.
4. And the Petitioner says that STEPHEN KAMPYONGO was not duly elected because the elections in the said Constituency were held in an atmosphere which was not free and fair due to widespread malpractices, vote buying, bribery and corruption.

5. The 1st Respondent being a former Minister of Home Affairs engaged in various acts of violence against other candidates and their campaign agents for both parliamentary and local government elections with impunity.
6. At the instruction of the 1st Respondent cadres belonging to the PF damaged a motor vehicle Toyota Landcruiser registration number ABG 6830 at Mukokile Camp on 21st May 2021.
7. On 2nd June 2021 the 1st Respondent acting together with Ms. Evelyn Kangwa directed the Police to impound a Fuso Fighter truck which motor vehicle was being used for campaigns by the Petitioner and the same was detained by the Police for 34 days to the detriment of the Petitioner.
8. The Petitioner further says that the 1st Respondent through a Mr. S. Bwali (the PF Council Chairperson candidate) and campaign agents masquerading as PF cadres assaulted Mr. Derick Simuchindo the United Party for National Development (UPND) candidate for Councillor in Mayembe Ward.
9. The 1st Respondent through his agents namely Sokopipo, Sebastian, and other unknown PF cadres brutally assaulted Mr. Michael Sichone (the UPND Council Chairperson candidate) together with his family at his home on 11th July 2021 for no reason apart from being a candidate on the UPND ticket.
10. On 8th July 2021 the 1st Respondent instructed potential voters at a rally held at Matumbo Village not to allow any other political party candidate hold a campaign meeting in the area.
11. The Petitioner was denied permission to hold a campaign meeting at Matumbo Village on 10th July 2021 on the orders of the 1st Respondent and Ms. Evelyn Kangwa the District Commissioner.
12. The 1st Respondent in the company of Ms. Evelyn Kangwa opened a mortuary at Matumbo Health Centre on 6th August 2021 for purposes of inducing the electorate in the area to vote for him.
13. On 6th August 2021 Andrew Kapasa Kalulu, the Parliamentary candidate in the same election standing on the Socialist Party ticket, was brutally assaulted and left unconscious by PF cadres and members of the PF in the presence of the 1st Respondent.

This incident which was captured on video occurred as the said Andrew Kalulu was on a campaign trail in Mwiche and Ichingo wards respectively as per approved ECZ campaign timetable.

14. The 1st Respondent commissioned a health post at Mutitima Village on 11th August 2021 and during the opening ceremony he threatened the community not to vote for the Petitioner if they were to be allowed to access services at the health post.
15. The 1st Respondent was captured on video donating K1000 to villagers at Mwilwa Village on 11th August 2021 purportedly as a contribution towards a community clinic project when it was for purposes of inducing the villagers to vote for him the following day.
16. The 1st Respondent's agent, Ms. Evelyn Kangwa the District Commissioner, went to Chiseko Primary School, a polling station, on election day and threatened to chase and demolish all houses belonging to members of the UPND in Chiseko Village.
17. The 1st Respondent ordered the presiding officer at Matumbo Polling Station through a phone call to allow Andrew Kampyongo (his brother), Mwamba Matumbo, S. N. Mutale and others unknown to vote when they were not registered voters at the polling station.
18. The 1st Respondent's agents namely Andrew Kampyongo, Mathews Chilekwa and Phily Sinkala brutally assaulted UPND members at Kalalantekwe on 12th August 2021 an incident which was captured on video.
19. The 1st Respondent's agent Evelyn Kangwa (the District Commissioner) acting with other unknown PF cadres stopped polling agents for the Petitioner from entering the polling station at Kasashi Polling Station on election day. Similarly, the same 1st Respondent's agent threatened voters on the queue at Kasangala Polling Station on the basis that it was past 6pm and voting was closed contrary to the provisions of the law on voting after 6pm on polling day.
20. The 1st Respondent's agent Evelyn Kangwa (the District Commissioner) supplied Disaster Management and Mitigation Unit relief mealie meal to PF cadres who in turn distributed the same to would be voters on their way to vote on election day.
21. The 1st Respondent's agent the Headman of Macheleta Village threatened villagers in his village on election day with reprisals of removing them from the list of social cash

recipients as well as confiscation of bicycles given to them by the 1st Respondent if they did not vote for the 1st Respondent.

22. The 1st Respondent forced poll staff at Matumbo Polling Station to allow an unregistered voter, Anthony Makwaya, to vote using his father's voter's card and national registration card on election day.

23. The 1st Respondent was seen on election day giving cash handouts of K20 notes to voters on their way to various polling stations as an inducement to vote for him.

WHEREOF the Petitioner prays that it may be determined that;

- 1) The said **Stephen Kampyongo** was not duly elected or returned and the election was void.
- 2) Costs.


Dated at Lusaka this 25th day of August 2021.

Signed



PETITIONER

Per:



Lusenga Mulongoti Advocates
No. 63 Independence Avenue
Prospect Hill
P.O Box 50154
LUSAKA
Advocates for the Petitioner

To: **The 1st Respondent**
Stephen Kampyongo
LUSAKA

To: **The 2nd Respondent**
The Electoral Commission of Zambia
Elections House, Haile Selassie Avenue
Longacres
LUSAKA

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