

**IN THE LOCAL GOVERNMENT ELECTION TRIBUNAL
HOLDEN AT LUSAKA
LUSAKA**

(Constitutional Jurisdiction)

IN THE MATTER OF: **ARTICLE 47 (3), 153 (1) and 159 (3) of the Constitution of the Republic of Zambia (Amendment) Act No. 2 of 2016.**

And

IN THE MATTER OF: **SECTIONS 72 (1) (B), 96 (1) (C) (I), 98 (C), 99 AND 100(3) of the Electoral Process Act No.35 of 2016.**

And

IN THE MATTER OF: **The Local Government Elections Tribunal Rules, 2016 Statutory Instrument No.60 of 2016**

And

IN THE MATTER OF: **Local Government Election for Matero Ward in the Matero Constituency, Matero held on the 12th August, 2021.**

BETWEEN:

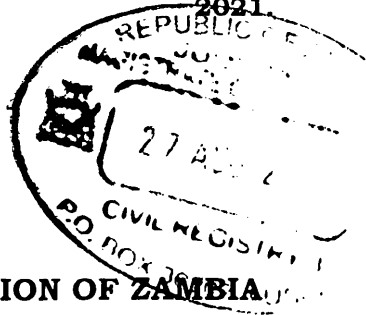
SIBESO PATRICK

PETITIONER

AND

**CHINYANTA ANNIE B
ELECTORAL COMMISSION OF ZAMBIA**

**1ST RESPONDENT
2ND RESPONDENT**



PETITION

ELECTION FOR Matero Ward **HELD ON THE DAY OF** 12th of August, 2021

The Petition of **Sibeso Patrick** whose address for service is House No: 128/15 Matero shows that:

1. Your petitioner is A person who was a candidate at the aforesaid election;
2. And your petitioner/s state/s that the election was held on the 12th day of August when **Chinyanta Annie B** and **Mkandawire Agness** were candidates and the returning officer has returned **Chinyanta Annie B** as being duly elected.
3. And your petitioner says that-

14th JUNE, 2021-ATTACKS ON OUR DOOR TO DOOR CAMPAIGN

PF cadres led by Chileshe popularly known as Cash Money under instructions from Ms Annie Chinyanta from buseko camp started removing all our posters and intimidating the people with matchets and pangas along commonwealth road they went all the way to commonwealth road were they attempted to burn

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our offices this happened during daytime and in full view of the residents within the area. It took the intervention of the general public and the police to help quell the situation that had regenerated into a full battle closing off motorists that were using commonwealth road. It took the police to fire teargas canisters that affected the entire neighbourhood. A number of UPND members were badly beaten with planks and others were macheted as evidence in the videos shared.

On 10th July 2021 the Buseko pf cadres which is in matero ward under the leadership of Chileshe popular known as cash money within matero ward again waged another ruthless attack at the UPND supporters they faced resistance and turned to breaking people's vehicle and Mr Steven Chisanga who was passing through commonwealth road had his Toyota vitz Car Reg. BAP 2140 destroyed and still remains a wreck to this day. The cadres using Police weapons such as tear gas canisters indiscriminately fired to the disappointment of the people as this not only affected the UPND members but everyone in the area .

Ref: video. Facebook 100038848999359

On 11th August 2021 the UPND program indicated that they were expected to do door to door campaigns in Matero ward respectively but this was not going to be. Police through the OIC called us and told us not to do anything relating to campaigns as the president was visiting Matero constituency. This was an unfair to them but they had no option but to go by the command as this did not go well with their people on the ground, as they felt intimidated.

CAMPAIGN MATERIALS

The Petitioner and his agents were victims each time any of their members was seen wearing their party regalia and in most cases their members were mercilessly beaten and asked to remove the regalia and some of their members were chased in business places such as buseko by known pf cadres. Each time they put up posters and flags on walls and poles within a few minutes a horde of unruly cadres from within the ward Matero would be transported in areas where they pasted the posters and all their posters would be removed immediately. This became a big cost to the Petitioner as a candidate as they kept going to printers to have the same work done at another huge cost and this was reported to ECZ and the Police but nothing was done.

BAN OF CAMPAIGNS IN LUSAKA

On 1st July 2021 a video went viral showing PF Matero ward officials campaigning and distributing campaign materials to would be voters within Matero ward as evidenced by the video shared on Baba TV and other media platforms. This matter was reported to ECZ through their agent in Matero but no action was taken.

ATTACK ON COUNCILOR SINDAWA HUMPHREY WITHIN MATERO WARD

On 19th July 2021 after a small meeting with fellow five councilors, Mr Humphrey Sindawa decided to walk to Choppies to buy a few goodies for his family. But the PF cadres thought it was me Councilor Patrick Sibeso and put a snare for me. A vehicle operating as a pirate vehicle on which he was riding to ride in was destroyed, breaking the front screen the head lamps and removing the car stereo which they went with. A bus driver managed to shield these hungry and notorious cadres from harming him saved my fellow councilor within matero ward of which there target was me. This stilled a lot of fear in the Petitioner as a candidate and the general public. Evidence is shown in the video shown.

DAMAGE OF AN EYE TO THE SON OF OUR WARD LEADER

Till this day it hurt that on 17th July, 2021 one of our members a ward leader Mrs Felistus muntamba had his son Felix mwachiyamba lost his left eye Removed by unknown PF cadres. This matter was reported to matero police and no arrest has been made.

WHEREOF your petitioner prays that it may be determined that the said **Chinyanta Annie B** was not duly nominated, elected or returned and that the nomination or election was void

4. And your petitioner prays that -

- (a) The nomination or election of the 1st respondent be declared void; or
- (b) The petitioner or a specified person be declared duly nominated or elected.


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SIGNED

This Petition was settled by;



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LUSAKA

(Co Advocates for the Petitioner)