



## **PRESS RELEASE**

### **High Court dismisses election cases against MEC**

The High Court sitting in Blantyre on Tuesday, January 19, 2016 has dismissed a case by independent candidate for Limbuli Ward in Mulanje in which he petitioned the court to overturn a determination of the Commission on the winner for the Local Government Elections.

Derek Eliya Safari contested in the ward as an independent candidate, however, he was disqualified after polling when evidence was availed to the Commission that he was convicted of a criminal case, thereby ineligible to contest.

Dissatisfied with the decision, Safari petitioned the court to overturn the decision of the Commission and to declare him winner in the Local Government Elections for Limbuli Ward as he was leading in the vote count.

However, Registrar of the High Court, Simeon Mdeza on Tuesday, 19<sup>th</sup> January 2016 dismissed Safari's petition on the ground of inordinate and inexcusable delay by him in setting down the matter for hearing.

This brings to three, the total number of electoral cases that have been dismissed by the High Court this year alone. On January 12, 2016 the High

Court in Lilongwe also dismissed two electoral cases against the MEC on want of prosecution as follows:

**1. Mchinji North Constituency**

The petitioner, Anna Mpinda Kankwenda challenged the results of the 2014 Parliamentary Elections she cited irregularities in the vote counting process. The case was dismissed by consent of the petitioner.

**2. Kasungu North East Constituency**

The petitioner, Bertha Zilemba challenged the results of the 2014 Parliamentary Elections citing irregularities in the vote counting process. The case was dismissed by mutual agreement.

During the May 20, 2014 elections, MEC received 360 complaints. Of this total, only 26 ended up in court while the rest were resolved through the Complaints Handling Unit.

Out of the 26 cases, 9 Cases have been dismissed with costs in favour of the Malawi Electoral Commission while 10 cases were withdrawn by mutual consent. Only one case is still in court awaiting judgment and six cases are still in the High Court (2 in Zomba and 4 in Blantyre) waiting for hearing. There are two 2 cases that are in the Supreme Court of Appeal.

Signed this 20<sup>th</sup> day of January, 2016 at Blantyre



Willie Kalonga

**Chief Elections Officer**