



**REPUBLIC OF MALAWI  
IN THE HIGH COURT OF MALAWI  
CIVIL DIVISION**

**ELECTORAL CASE No. 50 OF 2025**

*(being High Court of Malawi, Lilongwe District Registry, Civil Division  
Judicial Review Case No. 62 of 2025)*

**IN THE MATTER OF: SECTION 43 OF THE CONSTITUTION OF THE  
REPUBLIC OF MALAWI (RIGHT TO ADMINISTRATIVE JUSTICE)**

**AND**

**IN THE MATTER OF: ORDER 19 OF THE COURTS (HIGH COURT) (CIVIL  
PROCEDURE) RULES, 2017**

**AND**

**IN THE MATTER OF: A DECISION OF THE MALAWI ELECTORAL  
COMMISSION (MEC) IN FAILING/REFUSING TO DETERMINE THE  
MALAWI CONGRESS PARTY'S COMPLAINT ON ELECTORAL  
IRREGULARITIES IN THE SEPTEMBER 16, 2025, GENERAL ELECTIONS,  
SECTION 76 (5)(A) OF THE REPUBLIC OF MALAWI CONSTITUTION**

*BETWEEN:*

**Dr. LAZARUS McCARTHY CHAKWERA  
THE MALAWI CONGRESS PARTY (MCP)**

**1<sup>ST</sup> CLAIMANT**

**2<sup>ND</sup> CLAIMANT**

**AND**

**MALAWI ELECTORAL COMMISSION**

**DEFENDANT**

**CASE SUMMARY**

**PARTIES:**

**CHAKWERA AND MCP v MEC**

**PRESIDING JUDGE:**

**HON. JUSTICE PEMBA**

**DELIVERED ON:**

**23<sup>rd</sup> September 2025**

1. *BRIEF FACTS*: The Claimants applied for:

- leave to apply for judicial review of the Respondent's failure/refusal to lawfully investigate and determine the Claimant's formal complaint dated 19 September 2025 concerning material electoral irregularities in the Presidential poll of 16 September 2025; and
- urgent interim relief, including preservation orders and urgent substantive relief directed at securing the integrity of the Presidential count (audit, verification of authenticity of primary documents, physical recount and extension of time to determine results).

Basically, the claimants complained of the following: -

- That there were specific mismatches between manual tally sheets, printed tally sheets and the electronic record;
- That there were corroborated reports that the defendant (MEC) had placed results from Ntcheu, Mangochi, Machinga, Nkhotakota and Nkhata Bay "on hold" because of discovered irregularities;
- That in Mangochi and other districts, photocopied result sheets (rather than originals) were transmitted to the MEC; and
- That, nevertheless, the MEC was earmarked to proceed with the Presidential count when it had not yet lawfully determined the Claimants' complaints, hence instilling fear among the Claimants that the MEC would likely make irreversible decisions.

2. *THE LEGAL ISSUES*: Two legal issues fell to be decided, namely.

- Whether or not the court should grant permission to apply for judicial review of the MEC's failure/refusal to lawfully investigate and determine the Claimants' formal complaint dated 19 September 2025 concerning material electoral irregularities in the presidential poll of 16 September 2025; and
- Whether or not the court should grant interim relief restraining the MEC from announcing the final presidential results

### 3. *THE FINDING:*

On 23<sup>rd</sup> September 2025, the Court:

- granted the claimants permission to apply for judicial review of the MEC's failure/refusal to lawfully investigate and determine the Claimants' formal complaint dated 19 September 2025 concerning material electoral irregularities in the Presidential poll of 16 September 2025;
- declined to grant an order restraining the MEC from declaring or publishing final, presidential results

The Court reasoned that the scheme established by the law permits parties/individuals only to challenge the return of election results. Given that the results had not yet been publicly announced, the application seeking to restrain the MEC from declaring the final results was therefore premature. The one contesting the results may only approach the High Court through a petition within a period of seven days of the return date.

### 4. *ORDER:* The High Court issued the following orders:

- An order permitting the claimants to apply for judicial review of the MEC's failure/refusal to lawfully investigate and determine the Claimants' formal complaint dated 19 September 2025 concerning material electoral irregularities in the Presidential poll of 16 September 2025; and
- An order allowing the defendant (MEC), if they wish, to announce the final presidential results.

**NB:** *The High Court of Malawi and the Honourable Judge are not bound by this explanatory note, which is provided by the Office of the Chief Registrar to facilitate public understanding of this case and to assist the media in reporting on it. Readers are encouraged to read the Court's ruling.*