

AFGHANISTAN
USHERING IN A NEW ERA OF DEMOCRACY
First General Election
on
Di Afganistan Islami Dawlat /
Dowlat-e Eslami-ye-Afghanistan
(Islamic Republic of Afghanistan)

Asian Network for Free Elections (ANFREL)
109 Suthisarnwinichai Rd. Huaykwang Samsennok
Bangkok 10320 Thailand
Tel: 66-2-2773627 / Fax: 66-2-2762183
Email: anfrel@anfrel.org / Web: www.anfrel.org

Published by

Asian Network for Free Elections (ANFREL)

Written by

Sanjay Gathia

Somsri Hananuntasuk

(With inputs and reports from all observers and ANFREL Secretariat)

Copy Edited by

Susan Reesor

Amin Shah B. Iskandar

Layout by

Chatchawan Rakchat

Photos courtesy

ANFREL mission observers and staff

Book cover designed by

Wachiraporn Khwanchuen

ISBN

974-94435-0-0

Printed in Bangkok, Thailand

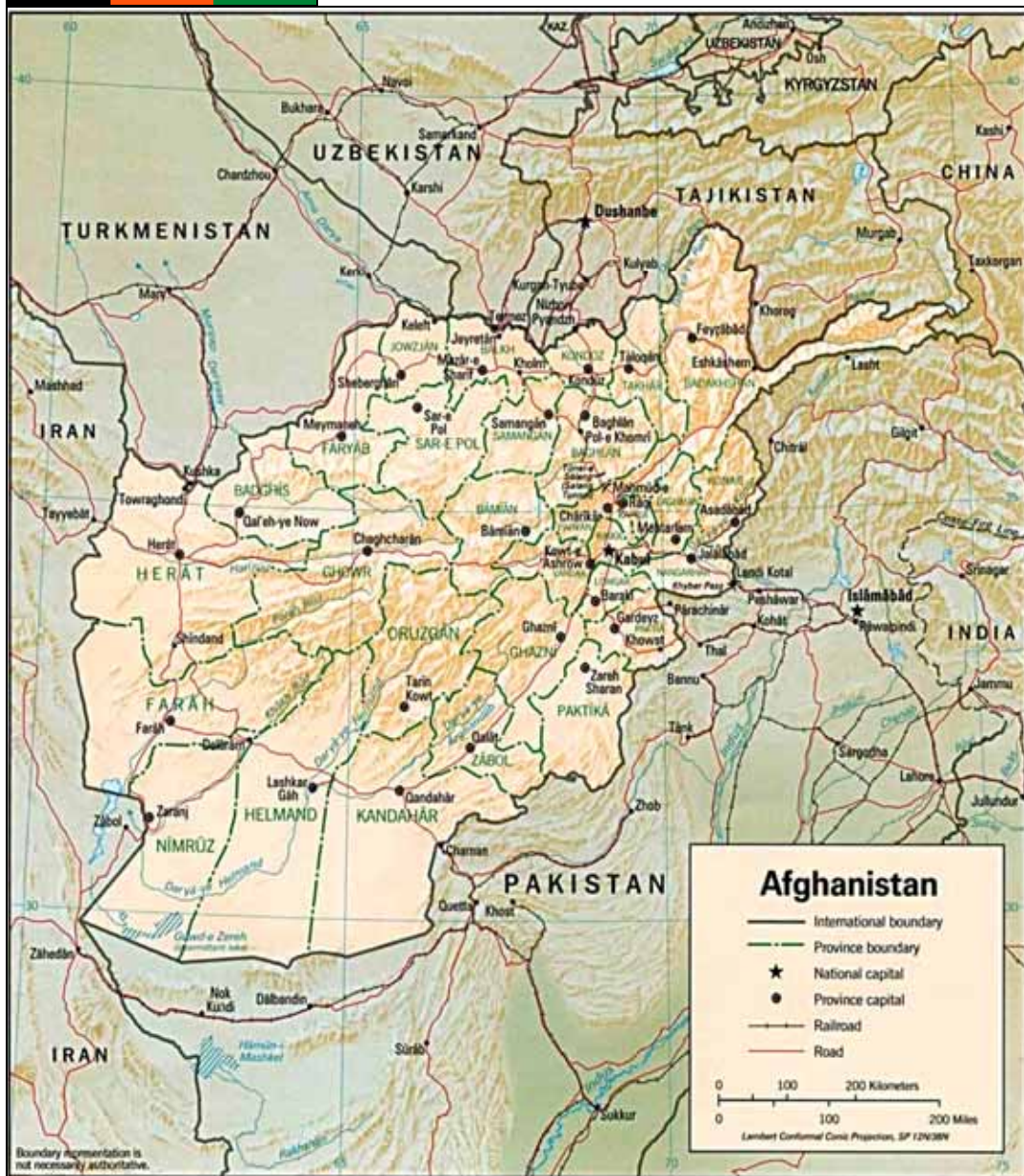
April 2006

Contents

Contents.....	3
Acknowledgment.....	6
Abbreviations	7
I. Afghanistan: Post September 11 and Beyond the War on Terror	8
International Concerns & Developments.....	8
Afghanistan National Development Strategy	9
Building democracy in Afghanistan	10
II. Afghanistan's First Parliamentary Elections 2005.....	12
Setting the Scenario	12
Elections: Its Laws and Regulations.....	24
III. Pre-Election Situation.....	25
Political / Electoral Environment.....	25
Civic / Voter Education	25
Intimidation and Security	27
Money Politics and Vote Buying.....	29
Women's Participation: What do Afghan women want?.....	31
JEMB and Electoral Administration.....	35
IV. Polling Day.....	37
Polling Stations and Opening Process	37
Security	39
General Observations during Polling Hours	40
Kuchi voters.....	45
Closing Process.....	46
V. Immediate Counting Procedures.....	48
Counting Process	48
Wasted Ballots.....	50
Complaints.....	50
Security	51
VI. Post-Election Situation.....	51
Counting Process	51
Performance of the Electoral Management (JEMB) and Counting Staff.....	52
Quarantined and Wasted Ballot Papers.....	54
Security	55
VII. Electoral Results and Outcomes.....	56
Available Seats in the WJ and PCs.....	56
Baghlan.....	57
Ghazni.....	57
Herat	58
Jowzjan	58
Kabul	58
Kandahar.....	59
Khost.....	59
Kunduz	60
Nimroz.....	60
Paktika	60
Panjsher	61
Kuchi voters.....	61
VIII. Recommendations for Electoral Reform and Strengthening Afghan Democracy	61
Registration Process	62
Registration of Candidates and Parties	62
Recruitment of Electoral Officers and Polling Officers.....	63
Campaign Process.....	63

Civic Education	63
Cooling Period.....	64
Polling Day and its process.....	64
Counting Process	65
Women's Issues	65
Kuchi Issues.....	65
Local Organizations, Press and Media.....	66
Warlords and other members of Parliament	66
Senatorial Elections	66
Legal Recommendations	66
IX. ANFREL: Background, Objectives to Monitoring.....	67
Background.....	67
Involvement in Afghanistan and its role in the General Election of Afghanistan	68
Operational Objectives and Function for the Election Observation	69
Methodologies and Strategies.....	70
ANFREL LTO and STO Observers Schedule	74
ANFREL Training Schedule for Afghanistan Mission 2005.....	75
Observers Name and Deployment List.....	76
Pre-Election Assessment Form.....	77
Polling and Counting Observation Checklist Form	79
X. ANFREL Observation and Reporting Guidelines	84
Pre-Election Day Observation	84
Election Day Observation.....	85
Post-Election Day Observation.....	87
Report format guidelines	87
Sources	87
Writing Style and Conclusions	88
XI. Important Associated Readings.....	91
A. Decree of the President of the Transitional Islamic State of Afghanistan on the Adoption of Electoral Law.....	91
B. The Law on Mass Media.....	110
XII. List of important website	118
XIII. Annexes to the report.....	119
Afghanistan: Basic Facts	119
Population.....	119
Religion	119
Time Zone	119
Geography	119
Languages.....	119
Literacy Rate (age 15 and over that can read and write):	120
Economy.....	120
Key Afghan players: Who's Who.....	125
Selected Important Events	130
Mapping ANFREL Media Reports.....	135

Afghanistan: Map and Flag



Acknowledgment

ANFREL is pleased to acknowledge with thanks the sincere support of The Asia Foundation (TAF) and USAID during the undertaking of elections observation mission for Wolesi Jirga and Provincial Council of Afghanistan in 2005.

ANFREL secretariat members, its executive committee members and staff very much appreciated all effort of observers and assistance from TAF office in Kabul. It is also good to see the outcome that reflects good intention from all sides including FEFA (Free and Fair Elections Foundation for Afghanistan) in helping Afghan's civil society to promote democracy and improve its political system in many ways.

Special thanks to Mr. Jon Summers, Country Representative of TAF Afghanistan, who foresaw a potential of Asian people in political development and welcomed Asian observers and local people to work for democracy from the ground level. We are hopeful that the positive changes will occur in a post conflict and post election situation in Afghanistan.

ANFREL once again acknowledges all the help and support it has got during its Afghanistan 2005 mission from JEMB, FEFA, local officials, interpreters, guides, security officials, individuals, institutions, concerned groups, entire staff and volunteers. We appreciate the help and express our gratitude, as without all your help this observation mission would not have materialized.

Secretariat Office
Bangkok, Thailand
2005



Abbreviations

AIHRC	-	Afghanistan Independent Human Rights Commission
ANA	-	Afghanistan National Army
ANFREL	-	Asian Network for Free Elections
ANP	-	Afghanistan National Police
AREU	-	Afghanistan Research and Evaluation Unit
DFC	-	District Field Coordinator
DDFC	-	Deputy District Field Coordinator
EU	-	European Union
FCCS	-	Foundation for Cultural and Civil Society
FEFA	-	Free and Fair Elections Foundation for Afghanistan
HRW	-	Human Rights Watch
IFES	-	International Foundation for Election Systems
ISAF	-	International Security Assistance Force
IRI	-	International Republican Institute
JEMB	-	Joint Electoral Management Body
JEMBS	-	Joint Electoral Management Body Secretariat
KROLL	-	Kroll Security International
MOD	-	Ministry of Defense
MOE	-	Ministry of Education
MOI	-	Ministry of Interior
MOWA	-	Ministry of Women's Affairs
NATO	-	North Atlantic Treaty Organization
NDI	-	National Democratic Institute
OSCE	-	Organization for Security and Co-operation in Europe
PC	-	Provincial Council
PEO	-	Provincial Electoral Officer
PEC	-	Provincial Electoral Commission
TAF	-	The Asia Foundation
UN	-	United Nations
UNAMA	-	United Nations Assistance Mission to Afghanistan
UNDP	-	United Nations Development Program
USAID	-	United States Agency for International Development
UNOPS	-	United Nations Office for Project Services
WJ	-	Wolesi Jirga

I. Afghanistan: Post September 11 and Beyond the War on Terror

Afghanistan which became an independent country in 1919, has approximately 652,000 sq. kms of mountainous terrain is, landlocked and surrounded by China, Iran, Pakistan, Tajikistan, Turkmenistan, Uzbekistan and also borders with the disputed territory of Jammu and Kashmir controlled by Pakistan.ⁱ

Afghans experienced Soviet occupation and were at war against the Soviet forces until their withdrawal in 1989, civil war broke out in an internal power struggle. The civil war was taken over by the Taliban in 1994. This puritanical Sunni militia found extensive support among the masses victimized by infighting among the warlords and the lawlessness prevailing. However, they failed to normalize the situation and create an accepted government. Their extensive links with Pakistan and other foreign extremist networks caused Afghanistan's international isolation.ⁱⁱ



An Old Castle for the King of Afghanistan in Kabul

The Taliban also were suspected of providing support to Osama bin Laden and his al-Qaeda organization and running terrorist camps in Afghanistan. After the unfortunate attack of 9/11 in which innocent people died, the US started its "War on Terror" and gave an international call, "either you are with us, or with them". On receiving negative response by the Taliban to hand over bin Laden and his network to the US, a US-led coalition launched its aerial attack in Afghanistan in order to wipe out the Taliban's and al-Qaeda's military camps and other assets.

ⁱⁱⁱ



International Concerns & Developments

The UN Security Council post September 11, 2001 in a series of resolutions^{iv}, condemned all forms of terrorism and the terrorist activities of the Afghan-based al-Qaida group and its networks. These steps outlined measures to replace the Taliban regime and facilitate establishing of democracy, rule of law and respect for human rights in Afghanistan. At the same time there was also an emphasis in these resolutions on a series of international, regional and national level measures to be implemented to curtail terrorists in their activities.

The involvement of the international community to help the Afghans community through their humanitarian and financial assistance was followed by a series of international efforts. There was a First Meeting of the Steering Group for Reconstruction Assistance of Afghanistan in Brussels, followed by an International Conference on Reconstruction Assistance to Afghanistan was held, at a ministerial level, on January 21-22 in Tokyo.^v Further development was achieved with the Bonn Agreement^{vi} where the composition of a Special Independent

Commission for the Convening of the Emergency Loya Jirga (grand council) was called together for discussions on the Afghan affairs. The Commission also determined the procedures and people to participate in the Emergency Loya Jirga to elect the Head of State for the Transitional Administration.^{vii}

In November 2001, a “Six plus Two”^{viii} group meeting in New York outlined the need for a broad-based approach to choosing Afghan government and continued support for humanitarian efforts. In November 2001, further developments emerged when the UNDP along with World Bank and Asian Development Bank organized a conference on Afghanistan’s Reconstruction^{ix} and with the Bonn Agreement^x, there were an adoption of a series of provisional arrangements to the re-establishment of permanent government institutions in Afghanistan.

The Bonn Agreement thus initiated a democratic process in Afghanistan. The first step towards this was the formation of an Afghan Interim Authority (AIA) on 22 December 2001 comprising of 30 members inclusive of the Interim Administration, Supreme Court and the Special Independent Commission. The Interim Authority convened the Emergency Loya Jirga for the agreement and establishment of Afghan Transitional Authority (ATA) on June 2002, to replace the Interim Authority and Hamid Karzai was chosen as the ATA Chairman.^{xi}

Afghanistan National Development Strategy

This development strategy has been the result of intensive consultations within Government. It has involved a wide array of stakeholders, including community and provincial representatives, the (learned religious leaders), the private sector, civil society, non-government organizations (NGOs), the United Nations, donors and other members of the international community, senior Afghan policy makers, and government ministries and departments.

Within this strategy there have been several visions, pertaining to the following:

- a. *Security vision* - to create a peaceful and just society, where the state has a monopoly on the use of force and uses it to protect the rights of all Afghans. It aims to build a well-trained, affordable, representative and professionalized national army and police force that provide security and uphold the law.
- b. *Governance vision* - to develop Afghanistan into a stable and mature Islamic constitutional democracy where the three branches of government (executive, parliamentary and judicial) provide the necessary checks and balances on each other. The Government would act as a policy maker, regulator, and enabler of the private sector, not its competitor. It was also envisioned that the unitary state will deliver basic services to the Afghan people through a cost-effective national and sub-national administration and ensure that the justice system equally protects the rights of all Afghans.
- c. *Economic vision* - to build a liberal market economy in which all Afghans can participate productively without engaging in production or trafficking of narcotics or other criminal activities. To develop an enabling environment for the private sector to generate legitimate profits and pay reasonable taxes, thereby enhancing public revenues that can then be invested in public services. Build a thriving legal private sector-led economy that reduces poverty and allows all Afghans to live in dignity.^{xii}

Building democracy in Afghanistan



Monument covered with posters during the campaign period in Kandahar.

On 4th January 2004 under the Bonn Agreement, the Constitutional Loya Jirga adopted the new Constitution of Afghanistan, prepared by the Constitutional Commission. This led to the establishment of the Islamic Republic of Afghanistan, having its own executive, legislative and judicial bodies. A nine-member Constitutional Drafting Commission, made up of legal scholars and jurists, had made the 1964 constitution as the starting point to draft a new constitution. The Constitution of Afghanistan (2004), provided for an elected president and a national assembly comprising of two houses (the *Wolesi*

Jirga and *Meshrano Jirga*). The approval of the new constitution of Afghanistan thus led to the establishment of the country as the “Islamic Republic of Afghanistan” and thereby it paved the way for presidential and parliamentary elections.

The primary bodies of the government^{xiii} are thus the following:

A. Executive Branch

❖ President

This post is considered as the head of the state of the Islamic Republic of Afghanistan and having executive, legislative and judicial powers in accordance with the constitution. The candidate is elected for a period of 5 years. The main duties comprised of supervising the implementation of the Constitution, determining the fundamental policies of the country in accordance with the National Assembly, being the Commander-in-Chief of the Armed Forces of Afghanistan. The President also inaugurates the National Assembly (Shorai Milli) and Loya Jirga sessions. Appointing of the ministers, the Attorney General, the President of the Central Bank, the National Security Director, the Supreme Court Judge, justices with the approval of the Wolesi Jirga and endorsing laws and legislative decrees are the executive powers of the President.

❖ Council of Ministers

This council is to execute the provisions of the Constitution, the laws enacted by the National Assembly and the decisions made by the Courts. The ministers are also expected to prepare the budget, regulate financial order and protect public wealth along with devising and implementing policy programs.

B. Legislative Branch

❖ National Assembly

This is the highest legislative organ and is considered as the manifestation of the will of its people, representing the whole nation. It consists of two houses: Wolesi Jirga (the House of the People) and Meshrano Jirga (House of Elders). One cannot be the member of the two houses simultaneously.

◆ **Wolesi Jirga (House of the People)**

It is considered as the Lower House of the National Assembly and is the assembly of directly elected provincial representatives. The *Wolesi Jirga* has special duties and authorities, which include setting up special commissions to inquire about government actions, endorsing and enforcing a bill not approved by the President, with a two-thirds majority. It also takes decisions on the interpolation of the ministers and on the government's development programs and the government's annual budget. It also approves or rejects appointments according to the Constitution.^{xiv}

- i. Members of the *Wolesi Jirga* are directly elected by the people of Afghanistan through free, fair and general provincially based elections by secret ballot.
- ii. There are 249 seats in the *Wolesi Jirga*. Seat allocations to the *Wolesi Jirga* are proportional to the population of the provinces.
- iii. Afghans, registered to vote in the elections, over the age of 25 years, who have not been convicted by a court, or been deprived of his or her civil rights, can be nominated as a candidate in the *Wolesi Jirga* elections.
- iv. Female participation in the *Wolesi Jirga* is guaranteed by The Constitution of Afghanistan, which specifies that the number of seats allocated to females must be at least twice the number of existing provinces.
- v. All registered Afghans will be able to vote in the province indicated on their voter registration card. Eligible Afghans who do not have a voter registration card will be able to register during an Additions and Corrections Period.
- vi. Similarly, eligible Afghans that are already registered but reside and wish to vote in another province (other than that indicated on their voter registration card) will be able to register to vote in that province during the Additions and Corrections Period.
- vii. Eligible Afghans will only be able to vote in one province.
- viii. Members for the *Wolesi Jirga* will be elected for a 5-year term. Before the expiry of this period, new *Wolesi Jirga* elections will be held.

◆ **Meshrano Jirga (House of Elders)**

This is the Upper House of the National Assembly and works with the *Wolesi Jirga* to fulfil its constitutional duties. These duties include the approving, changing or rejecting laws or legislative decrees, development programs, state budget and government proposals to obtain or grant loans. It also looks into creating, modifying, abolishing administrative units, such as provinces and districts, and approving or rejecting international treaties and agreements.^{xv}

◆ **Provincial Council**

The members in each province are elected through direct, free, fair and general elections by secret ballot. The Provincial Council would take part in the development and improvement of the province and advise the provincial administration on related issues and acts with the cooperation of the provincial administration.^{xvi} The voters in each province would directly elect the representatives to the Provincial Council for a period of four years.

- i. The number of members to each Provincial Council is based on the population of the province. The size of each provincial council will be determined according to population in the following manner:
 - o Provinces with less than 500,000 inhabitants: 9 members
 - o Provinces with 500,000-1,000,000 inhabitants: 15 members
 - o Provinces with more than 1,000,000- 2,000,000 inhabitants: 19 members
 - o Provinces with more than 2,000,000-3,000,000 inhabitants: 23 members
 - o Province with more than 3,000,000 inhabitants: 29 members
- ii. Registered Afghans over the age of 18 years, who have not been convicted by a court, or been deprived of his or her civil rights, can be nominated as a candidate in the Provincial Council elections.
- iii. Each Provincial Council elects one of its members, to a seat in the *Meshrano Jirga* by an absolute majority.

The first national presidential elections for a new president of Afghanistan took place on October 9, 2004, with Hamid Karzai elected as President^{xvii} for a five-year term.

II. Afghanistan's First Parliamentary Elections 2005

Setting the Scenario



Colorful campaigns seen along the road in Nangahar province.

With the first Presidential Elections (2004) successfully concluded, the Wolesi Jirga and the Provincial Council elections were scheduled for September 2005. However, for the effective conclusion of the elections, it was deemed necessary to establish certain fundamental structures, institutions, laws, rules and regulations. This gave rise to creation of certain national bodies, with international support and the necessary modalities. The following section outlines some of these modalities that were established in order to achieve those goals and objectives in relation to the Bonn Agreement.

Joint Electoral Management Body (JEMB)

The Joint Electoral Management Body (JEMB)^{xviii} established through a Presidential Decree 40/2003, was responsible for holding the 2005 elections. JEMB was comprised of a nine-member Independent Election Commission (IEC), appointed by President Hamid Karzai along with four international electoral experts nominated by the UN-AMA^{xix}. Thereby making it an independent electoral authority of 14 members.

The JEMB Secretariat (JEMBS) was designated to implement the elections accordingly, headed by the Chief Electoral Officer.

JEMB's mandate was to administer all elections that took place during the transitional period. The Constitution of Afghanistan and the Afghanistan Electoral Law of May 2004 were to govern the 2005 Afghanistan Wolesi Jirga and Provincial Council Elections. (It is expected that the electoral law might be amended following the 2005 elections to make it more effective in case of lacunas.)^{xx}

Provincial Election Commission

The PEC was formed in each province, consisting of three members with one being a female candidate. The function of PEC was to advise the JEMB on the eligibility of the candidates in accordance with Article 85 of the Constitution and Article 20 of the Electoral Law. Furthermore it was to ensure the complete accuracy of ballot papers prepared for each province's Wolesi Jirga and Provincial Council elections and provide advice in relation to the locations of polling centers in the province and hearing the complaints in relation to the voter registration in the province. It was also commissioned to monitor the free and fair conduct of polling in the province and also hearing the complaints and within its limits determining the complaints in relation to the counting of votes. It represented the JEMB at the provincial level.^{xxi}



Potential handicap voter attends one candidate campaigning at Kabul Public Park.

Political Parties

The Political Party Law of Afghanistan^{xxii} was adopted in pursuant to Article 32 of the 1964 Constitution on the establishment, functions, rights, obligations and dissolution of political parties in Afghanistan. It defines "political party" to mean, "an organized society consisting of individuals which undertakes activities for attaining its political objectives, locally and/or nationwide, based on the provisions of this law and its own constitution" (Article 2). Any Afghani citizen of voting age can freely establish a political party, irrespective of their ethnicity, race, language, tribe, sex, religion, education, occupation, lineage, assets and place of residence (Article 4).

Under Article 6 of this law, the political parties are not allowed to:

- pursue objectives that are opposed to the principles of the holy religion Islam;
- use force, or threaten with, or propagate, the use of force;
- incite to ethnic, racial, religious or regional discrimination;
- create a real danger to the rights and freedom of individuals or intentionally disrupt public order and security
- have military organizations or affiliations with armed forces
- Receive funds from foreign sources.

The political parties were also required to be registered with the Ministry of Justice (Article 8).

Eligible Afghan Voters

Following the international franchise norm, all the citizens of Afghanistan who have attained the age of 18 and having a voters registration card, were considered as the eligible voters for the Wolesi Jirga and the Provincial Council elections.

The regulations also specified that the eligible Afghans who did not have a voter registration card, or who resided and would be voting in a province other than the one noted on their voter registration card, would be able to re-register during an Additions and Corrections Period. Otherwise, all the eligible Afghans will only be able to vote in one province.



Youngsters claiming to be 18 years old and ready to vote

Segregation of men and women was initiated through the direction to prepare exclusively male or female polling stations staffed by male or female staff.

Though there were comprehensive voter registrations carried out during the Afghan Presidential Elections, there was a need to register the potential new voters in the following categories:

- Those who had turned 18 since the last registration period
- Those who had returned to Afghanistan since the last registration period
- Those who had chosen not to participate in the 2004 registration exercise (particularly women in some regions)
- Those who had lost their Voter Registration Card
- Those who were unable to register before 2004 Presidential Elections during the supplemental Registration period, and
- Those who had already registered, but wanting to update their province of residence.

The JEMB conducted a four week registration period, from the last week of June until the last week of July. The Registration Centers were established in each District.^{xxiii}

Election Systems in Developing Democracies: PR or SNTV in Afghanistan^{xxiv}

A Single Non-Transferable Vote system (SNTV) was chosen by the Government of Afghanistan as the electoral system for both the Wolesi Jirga and Provincial Council elections. Under this system, voters selected one candidate only from those listed on the ballot. Candidates with the highest votes fill the seats allocated in their respective constituencies.

The candidates who receive the most votes win seats, regardless of gender. If, however, female candidates do not win at least the number of seats reserved by law, the most voted women will be allocated seats as held in the Constitution and the Electoral Law.^{xxv}

However, during the elections Damaso G. Magbual, Vice Chairperson of ANFREL and Tim Meisburger of Asia Foundation shared their views and concerns on the system that could be adopted or best suited for Afghanistan's democratic buildup.

During the elections Tim Meisburger from the Asia Foundation pointed out that recently several expatriate advisors had suggested that list proportional representation (PR) would be a more appropriate election system for Afghanistan than the current single non-transferable vote (SNTV) system favored by the President. He also noted that although proportional representation has advantages in certain situations, experience has shown that it may not be the most appropriate system for a developing democracy.

Proportional Representation

Tim noted that in the list proportional system countries are divided into a few large multi-member constituencies (in Afghanistan these would most likely be provinces, as is the case in Cambodia), or the entire country may be a single constituency (as in South Africa). Parties, rather than individual candidates, compete in each multi-member constituency^{xxvi}, and then seats are awarded based on the percentage of the vote each party receives. For example, in a constituency entitled to ten seats in the National Assembly each party would put forward a list of ten candidates: then, if the party won thirty percent of the vote in the constituency, they would win thirty percent (3) of the seats and the top three names on their list would be elected. A party that got twenty percent of the vote would elect the top two people on its list, and so on.

Thus according to Tim, proportional representation is viewed by many experts as a particularly appropriate election system for newly democratizing countries for several reasons. It is a relatively simple system to explain to the public (although not as simple as SNTV or other plurality systems), facilitating voter education. It is also very simple to administer. Rather than many different ballots with the names of many different candidates, they need only prepare a single ballot that lists the parties competing. PR also often uses existing administrative boundaries to define the constituency, meaning administrators need not go through the time-consuming and politically sensitive district delimitation process.

However Tim felt that the most important factor, usually, in the selection of PR as an election system is the perception that it is an effective tool for facilitating peaceful transitions and stable political outcomes in post-conflict countries. Typically in a post-conflict democratizing country the competing factions (warlord, militias and armies) will morph into political parties. Adding that, using proportional representation as an incentive, negotiators can then offer each faction or party a share of power in the new government proportional to the area or population they control, Tim felt that this works quite well for the faction leaders, who more or less share the spoils, but it may not be the most appropriate system to encourage sustainable and representative self-government.

Expressing their views further, Tim pointed out that in plurality election systems, like first-past-the-post or SNTV; those elected represent all of the people in a geographic area. In a proportional system, because people vote for a party and its manifesto rather than an individual, they represent only those people who share their ideology. In smaller homogenous countries in Europe, where people's primary identification may be ideological or political rather than geographical, and where political parties are internally democratic, proportional

representation may be an effective mechanism through which citizens can express their will. But in developing democracies political parties are seldom internally democratic, and people's primary affiliation tends to be to a region or regionally-based ethnic group rather than an ideology, so the proportional system may not provide the average citizen with effective representation.

Additionally he also pointed out that, in a proportion system a representative owes his or her first allegiance to the political party because the party – not the voter – decides who will be elected by determining which candidates will be placed on the list and their rank on the list. Individual representatives cannot form cross-party alliances to better serve their constituents: they must follow the party line because the voter elected the party, not the individual. Consequently, all power in a party is concentrated in the leadership. If a party is internally democratic this may not matter, as constituents can express their desires and aspirations through the party structure. Unfortunately, most of the parties in transitional democracies are formed from pre-existing groups that were powerful in the previous regime, and are seldom internally democratic, meaning that ordinary citizens have few channels through which to voice their concerns and aspirations.

Thus Tim felt that because the candidates do not represent a particular area, a party would often select all of the candidates from a particular class, group or region. Many of the candidates for remote provinces in the recent elections in Indonesia actually lived in the capital, and had little or no connection to the place they hoped to represent. In Cambodia very few voters had ever seen or could even name any of their elected representatives.^{xxvii} In East Timor, voters felt that the parties had been captured by elites that had little connection to the people, and that they did not accurately reflect the people's aspirations.^{xxviii} Although the proportional system is popular with some self-styled "election experts", when ordinary citizens in developing democracies are asked if they would prefer to vote for a party or an individual, they invariably and overwhelmingly prefer to vote for the individual, as they feel that someone from their area, someone they might know or could approach, will better represent their interests. When presented with these concerns the experts often suggest that the structure can be changed to a plurality system at some point in the future, when the country is stable, but this is almost impossible to achieve as the people who would have to approve the change would be the people elected through the proportional system. If the political pressure from the people becomes too great, and they risk losing all, the experts might fall back and bargain for a mixed system – part proportional and part plurality – providing voters with some of what they want.

Single Non-Transferable Vote system

Damaso G. Magbual, Vice Chairperson of ANFREL who was also part of the mission, shared his views about the Single Non-Transferable Vote. Stating that, "In a "Single-non-transferable-vote" system, the voter votes for only one candidate regardless of the number of seats a given constituency is allotted. Hence, Kabul has 33 seats but the voter can only vote for one candidate. The candidates with the highest vote totals fill these seats. The top 24 male candidates and the top 9 female candidates will fill up the 33 seats then in Kabul", he felt that SNTV was chosen as the electoral system for Afghanistan for two main reasons. First, SNTV is noted for its simplicity and therefore practical for a country with a high level of illiteracy. It is easy to explain to the voter, it is easy for the voter to follow at the voting booth and it is easy for the polling officials to count. Further, there is the perception that Afghans basically

distrust political parties in that these are associated with the Soviet Union that invaded the country as well as the militia groups that resisted the Soviets. Both evoke unhappy memories to the Afghan people.

Adding that strong and viable political parties are essential in a parliamentary system, as an electoral system however, SNTV does not promote party development, growth and harmony, Damaso outlined some of its weakness, that:

1. The system (SNTV) presents a problem to parties in the nomination and fielding of candidates. If a given party presents too many candidates the votes may be so spread out among the candidates so that not a single candidate is elected. On the other hand, if the party does not nominate enough, the winning candidates may garner more than enough votes, the surplus of which could have elected one or more candidates of the party.
2. Under the system, candidates of one party do not only compete against the candidates of rival parties but against their own party mates. Hence, each candidate is concerned with his own interest, i.e. his own election. The system forces them to a situation of “to each his own”, and who cares about the other candidates of the party or the party itself for that matter.
3. The system favors candidates with vast resources, whether they are running as candidates of a political party or as independent candidates. This was very noticeable during the campaign period in Afghanistan.
4. The system promotes a “politics of personality” that may not necessarily elect candidates who are best qualified to lead. The experience in Philippine politics shows how popular personalities from the entertainment industry (movie stars), the sporting world (basketball players), or even notorious characters (some with criminal records) get elected to public office simply because they are popular but too often ill-prepared and ill-equipped for the office for which they were elected. Too often, the “politics of personality” metamorphoses to “politics of patronage”.

Adding to some observations to the above points, Tim noted that, because representatives elected through the SNTV are accountable to their constituents rather than the party leadership, they are more independent, and can be advocates for the interests of their constituents within the party. Through this process the existing parties become more internally democratic, and more accurately reflect the concerns of the people. Independent representatives can also form cross-party alliances to advance particular issues. For example, representatives from farming areas might band together to influence agricultural policy. On occasion these temporary alliances might lead to the formation of more permanent factions and democratically legitimate parties, but in any case the interests of voters would be better represented. Another criticism of SNTV is that it may not translate party votes into seats, but it is important to remember that parties are not running, individuals are, and the most popular individuals in a district – those who get the most votes – will be elected through this system. Its true that SNTV will weaken the power of the parties in Afghanistan, but if the parties are not democratic, are in fact informal militia groups in sheep's clothing, that may not be a bad thing. To be successful in the SNTV parties will have to change, will have to appeal directly

to voters, and will become more democratic and accountable. To maximize the number of seats they win parties will have to develop a grassroots organization, again enhancing their accountability and representativeness.

Addressing a final criticism of SNTV, that it is simply too difficult to administer, Tim admitted it is more complex to administer than PR, but surely not impossible (Indonesian election officials recently conducted a much more complex election with far less international support). And the advantages of the SNTV far outweigh its disadvantages. It will provide more effective representation and democratic accountability, help build democratic political parties and a vibrant political culture, and weaken the power of informal militia groups.

Sharing his views, Damaso pointed out that, the developed democracies that use (Japan, South Korea has long discarded this system) this system, i.e. SNTV, employed “vote allocation” to distribute votes to the different candidates of a given party to maximize the number of seats they can win. Additionally, the political parties designed a mechanism by which their voters are assigned the candidate they’ll vote for. In Taiwan for instance, he stated, the voter’s birth month or the ID number is used as reference for vote allocation. Hence, if the voter is born in the month of October, he votes for candidate Number 10 if the party has a candidate by that number. Incidentally, Taiwan likewise has abolished the SNTV as its electoral system, and the last election under this system was held last December 2004. Vote allocation is a restriction on the freedom of choice. A genuine, free and fair election requires that there are no restrictions on the voter in the exercise of his choice. Vote allocation violates this right since his choice may not be what the party assigned/allocated to him.

He thus felt that the proponents of the SNTV system justify vote allocation as an expression of support for the party. Genuine party support has to be earned or justified by something that is of value to the voter such as programs of government that will ultimately benefit the citizenry. Blind party loyalty does not promote party harmony. Only the “weak” and undeserving candidates are benefited by vote allocation. The most deserving are not necessarily assured of victory.

Additionally Damaso observed that the political parties play an important role in a new democracy like Afghanistan. The political parties can help organize the new parliament, not an easy task considering the fact that it has been three decades ago when the country last had a working parliament. Political parties can help integrate the new members of parliament from diverse ethnic and linguistic groups, most of who ran as independent candidates. And finally, the parties can serve as vehicles for policy proposals and decisions.

Adding to the point, Tim shared his observation further, that the introduction of proportional representation may be particularly inappropriate in Afghanistan, where one of the primary objectives of the transition is to weaken the power of the informal militia leaders. In a proportional system each militia band will form a party, and if that party were to win fifty seats in the National Assembly, the militia leader will retain control of all of them. In contrast, in an SNTV system the same party might again win fifty seats, but each representative would be an independent operator directly accountable to his or her constituents – rather than the party leader – and able to form cross party alliances in their interest. The militia leader, instead of directly controlling fifty seats, would control just one. He thus felt that, proportional representation in developing democracies also often leads to political stagnation or the development of a de facto one party state. Although a system designed to provide

representation to small parties and minorities, in practice one party may win an unchallengeable parliamentary majority, or form a ruling coalition. Individual representatives and small parties are unable to form cross-party alliances to more effectively represent their constituents. In other words, they may be present in parliament, but they have no avenue to exercise power, all power is exercised by the leadership of the ruling party or coalition. Examples of de facto one party states engendered by the proportional system are Cambodia and South Africa, among others.

Tim pointed out that, because it empowers non-democratic political parties, proportional representation can impede the development of truly democratic parties. Although some have said '*political parties are vital for the creation of successful parliamentary democracies*'^{xxxix} this is questionable, as neither the US Congress nor the UK Parliament began with parties. In both cases political parties grew organically out of political factions that were formed by representatives whose constituents shared common aspirations and concerns. These were democratically legitimate parties from the beginning. On the other hand, most parties in transitional democracies are formed from pre-existing power groups, and if they are to become democratic and representative it will only be through a long process of reform.

Damaso however concluded that, "The new parliament therefore should consider replacing the "Single-non-transferable-vote" the most unpopular electoral system, into something more conducive to building and developing strong political parties".

Candidates: Eligibility and Criteria

The constitution of Afghanistan states that the eligible candidate for the 2005 parliamentary elections^{xxx} must be:

- A person, who is a citizen of Afghanistan or has obtained citizenship at least ten years prior to the elections,
- has not been convicted of any crime against humanity, or a crime,
- has not been deprived of their civil rights by a court, and
- is at least 25 years old at the time of the candidacy for the Wolesi Jirga and at least 35 years old at the time of the candidacy or appointment for the Meshrano Jirga.

The regulations also stipulated that the candidates were also required:

- to present a list of voters, who supported their candidacy in the constituency where they were planning to stand for elections (a list of 300 supporters' signatures for the Wolesi Jirga and 200 for the Provincial Council elections)
- be registered voters (themselves) and able to present their voter registration card. Candidates who were not registered were allowed to register as voters at the provincial offices when they presented their nomination papers.
- be nominated in only one constituency and compete in only one election (i.e. candidates could not compete in both the Wolesi Jirga and Provincial Council elections).
- Submit nomination papers in person, so they can be photographed
- Provide a monetary deposit that will be returned if the candidate is elected or receives more than two percent of votes.
- Sign the Code of Conduct for Candidates.^{xxxi}

Electoral Complaints Commission (ECC)

The ECC established according to the Afghanistan Electoral Law (Article 52)^{xxxii}, is an independent body which investigates into all the complaints pertaining to the electoral process. Its head office is in Kabul but it covers all of Afghanistan.

According to its investigative mandate, any person who has a valid interest in the electoral process can file a complaint with the ECC, it can also on its own look into certain electoral issues. It is composed of two national and three international commissioners, who are supported in their work by a staff of legal advisors and investigators and other administrative personnel. Any complaint can be submitted through the Provincial Election Office which is located in each province or sent directly to the ECC in Kabul.^{xxxiii}

According to the ECC, “An electoral complaint is a claim that there has been a violation of any of the laws governing the conduct of the electoral process.” It further states that “a complaint can be filed with the ECC at any point during the electoral process and by any person who has a valid interest in the electoral process—every registered voter, candidate, observer, and party official, among others.”

As per the ECC, valid complaints may pertain to the following issues:

- The registration of, or refusal to register, specific persons as voters;
- The nomination of candidates and their qualifications and eligibility;
- Financial disclosures by political entities, their candidates, and independent candidates;
- Alleged violations of the Code of Conduct for Political Parties, Candidates and their Agents;
- Errors or dishonesty in polling or the counting of votes;
- Any other matter that goes to the substantive right to vote and to participate in the election.

The ECC maintains that this includes allegations that an agent of the JEMB or JEMBS has committed an infraction. It states that complaints about administrative decisions that do not implicate an electoral rule or procedure fall outside of the ECC's jurisdiction. Such cases can only be addressed by the Joint Electoral Management Body (JEMB) and its Secretariat.^{xxxiv}

As per the complaint process, it is first reviewed by the members of the Provincial Electoral Commission (PEC), where the complaint was filed. The PEC is stated to be generally located in the Provincial JEMB offices. The PEC initially determines each case for review by the ECC. Where possible the PEC resolves complaints at the local level through discussions with the parties involved. It carries out investigations and gathers information where necessary and takes remedial action. The judgment is communicated in writing to the complainant and to the entity or individual against whom the complaint was filed.^{xxxv}

The ECC thus has jurisdiction to consider and adjudicate complaints relating to alleged electoral offences in the conduct of the electoral processes and also on the challenges to the eligibility or qualifications of a candidate during the electoral process. It has the final jurisdiction with respect to all complaints and challenges and is subject to appeal or review only as established in the Electoral Law. Its decisions are final and binding.^{xxxvi}

Media Commission

Established for the Elections in accordance with Article 51 of the Electoral Law, its role was to provide the voters information to make an informed decision and choice while voting. It also was authorized to monitor fair reporting and coverage of the electoral campaign period and deal with the complaints concerning breaches of fair reporting or coverage of campaigns and any violations of the Mass Media Code of Conduct.^{xxxvii}

Since there were thousands of candidates and a few who could afford media campaigns, the Commission was also responsible for setting up and overseeing a Sponsored Advertising program. This provided each candidate equitable access to a radio or television station, to broadcast their messages during the official campaign period from August 17 to September 15.

The Commission monitored a selection of Afghan media on a daily basis to analyze the fair access to media. Its methodology was to count the amount of time dedicated to the actual broadcast of candidates on TV and radio as well as when they were mentioned or quoted by someone else, both in information programs and non-news broadcasts. This amount of time was to be evaluated to see if the candidates were quoted in which context, positive, neutral or negative.^{xxxviii}



Domestic observers and party agents.

Observers

JEMB issued Regulation on Electoral Observers and Political Party and Candidate Agents.^{xxxix} The domestic and international electoral observers, called “observers”, and the political party and candidates agents, called “agents”, were allowed to observe the electoral processes in accordance with the provisions of the regulations. However, both had to be registered with the JEMB for accreditation.

Afghanistan Independent Human Rights Monitoring Commission (AIHRC)

AIHRC was monitoring human rights prior to and during the elections. Its goals were to ensure respect for freedom of speech, non-discrimination against women and the political participation of all people. It was also a part of the JEMB and worked along with it on public education on voting as a right.

Together with UNAMA, the Commission implemented a Political Rights Verification Program, a mechanism through which the principles of freedom of speech, non-discrimination and political participation were monitored and investigated. It also helped mobilize and organize participation of civil society organizations in election monitoring. It also played a leading role in setting up the Free and Fair Elections Foundation for Afghanistan (FEFA).^{xl}

Free and Fair Elections Foundation of Afghanistan (FEFA)

An independent civil society organization, it has observed both presidential and national assembly elections in an impartial manner. It is composed of credible and impartial civil society organizations, which are active in a majority of the Afghanistan's provinces.^{xli}

FEFA is a reputable, independent, impartial and unbiased civil society organization, which has been established by a number of civil society organizations to:

- Monitor elections to ensure that they are free and fair;
- Promote democracy in the country;
- Promote public participation in electoral affairs;
- Help consolidate public trust and faith in democracy and elections.

Registered with the Ministry of Justice on 12 June 2004, it began its work during the second half of August 2004. It has two components:

- i. Board of Directors** – composed of 15 members who constitute the decision making branch of the Foundation. These members elect one person from among themselves as the Director of the Board who is also regarded as the general director of the Foundation. Members of the Board of Directors are representatives of independent civil society organizations as well as independent national figures.
- ii. Executive Component** – it is the secretariat of the Foundation and responsible for implementing the decisions of the decision-making component (Board of Directors). It has several subcommittees, each of which has been tasked with specific duties, is headed by an executive director responsible for coordinating the activities of various subcommittees. The subcommittees are:
 - **Legal and Training Subcommittee** - responsible for preparing training materials and guidelines, reviewing electoral rules and procedures, preparing questionnaires, and organizing training programs for provincial and field staff and observers. It is also tasked with coordinating the reporting system and preparing the final report and research activities of the Foundation.
 - **Provincial Organizing Subcommittee:** This subcommittee is responsible for recruiting field staff and observers in collaboration with member agencies. It is also tasked with coordinating observation programs at provincial and field level and monitoring the performance of provincial and field staff.
 - **Liaison Subcommittee:** This subcommittee is responsible for liaising with both national and international organizations.
 - **Media Subcommittee:** This subcommittee is responsible for disseminating reports and activities of the Foundation in written and audiovisual formats through mass media and through holding conferences and press briefings.
 - **Financial Subcommittee:** This subcommittee is responsible for planning financial and budgetary issues of the Foundation and for overseeing the expenditure of funds and also for preparing the financial report.
 - **Administrative Subcommittee:** This subcommittee is responsible for taking care of and overseeing administrative and logistical issues.

Composed of several different Afghan civil society groups as well as the Commission, FEFA lobbies for reform of the election legislation, raises awareness about various election issues. It was also involved in monitoring and observing the electoral process from the campaign to voting day. FEFA was the largest election observation institution of Afghanistan. It deployed about 7,500 observers around the country. It deployed observers in 217 districts of the country covering about 65% of all polling centers.^{xlii}

Kuchi People

In the Afghan Dari language, Kuchi means “nomad”. The Kuchi people in Afghanistan have lost their livelihood and culture due to the past situation of conflict, drought and demographic shifts. As per the UNAMA (2003) about 200,000 Kuchis had been displaced and an equal or larger number were refugees in Pakistan, while hundreds of thousands are living in precarious conditions in urban or rural areas in Afghanistan. They seem to be forgotten because of their residence in remote and insecure areas of Afghanistan and Pakistan and also due to the hostility of other ethnic groups towards them, due to their association with the Taliban group.^{xliii}



ANFREL observers talking to Kuchi people in the Kuchi community.

Refugee International (2004) in one of its reports states that the Kuchis, nearly all of whom are Pashtuns or Baluch are probably the most destitute, least regarded and the least attended group in the Afghan population. While only a few tens of thousands still follow their traditional livelihood of nomadic herding, it states that several tribes and clans of Kuchis spend the winters in the lowlands of eastern Afghanistan and migrate into the Central highlands for summer grazing. While some have become farmers, settled in cities, or are migrant laborers, some have become landless and own no livestock; their children are not in school; they are not registered to vote and are not beneficiaries of any of the government’s development or welfare projects.^{xliv}

The report further states that their largest concentration is probably in Registan, which covers a big area in southern Afghanistan. Some agricultural experts also state that returning to



Kuchi community area destroyed after ANFREL visited.

nomadic grazing would not be possible. The Afghan government and international organizations are looking into resolving the problem of the displaced Kuchis. It envisions a large public works employment project, return of displaced northern Kuchis and helping the Registan Kuchis to reestablish their livestock herds. In finding some durable solution the government also seems to be considering establishing new communities in the south to settle the Kuchis.^{xlv}

Refugee International made the suggestions which range from including the Kuchis in

Afghanistan's development programs, including the National Solidarity Program (NSP) and to provide temporary employment to Kuchis through the National Emergency Employment Program (NEEP); providing them opportunity to return to their former homes in northern Afghanistan when it is safe for them to do so; and to facilitate the return and provide transitional support to herders who choose to resume their nomadic existence if and when rains return to Registan. Suggestions were also made requesting the Afghan and Pakistan governments, aid agencies and NGOs to initiate training and micro-finance programs in refugee and displaced persons camps to prepare Kuchis for alternative livelihoods to nomadic grazing. However, the report mentions that apart from studies so far, there has been little inclination to finance anything else.^{xlvi}

Elections: Its Laws and Regulations

Electoral Law

The Electoral Law containing (11) chapters and (62) articles was approved by the Council of Ministers through decision number 10 on 12 May 2004. The law in general was issued in pursuant to the Articles 33 (1) and 159 of the Constitution of Afghanistan, regulating elections and the electoral matters. The law mandated that the elections be conducted based on free, secret, universal and direct ballots with equal right to participation. The electoral law also called for the respect of free will, encouraged the voters to participation in the elections, and prohibited the imposition of any direct or indirect restrictions on voters and/or candidates on any grounds.^{xlvi}

Political Parties Law

Article 32 of the 1964 Constitution of Afghanistan led to the adoption of this law and led to the establishment, functions, rights, obligations and dissolution of political parties in Afghanistan. According to this law Article 2, "political party" means an organized society consisting of individuals which undertakes activities for attaining its political objectives, locally and/or nationwide, based on the provisions of this law and its own constitution. It also stated that the political system of Afghanistan was based on the principles of democracy and pluralism of political parties.^{xlvi}

Instruction to Public Officials, Civil Servants, Military Authorities, and State Authorities for Conduct during the Registration, Political Campaign and Election Period

This instruction has been a set of do's and don'ts and is considered as a set of legal instruments on political parties, registration and electoral processes, providing for the protection of key rights and fundamental freedoms. It directs all state authorities, including civil servants, public officials and military authorities to comply with the legislation, including regulation issued by the Joint Electoral Management Body, aimed at ensuring free and fair elections in Afghanistan.^{xlvi}

III. Pre-Election Situation

Political / Electoral Environment

During the pre-election situation assessment it was felt that the majority of the voters were appearing to be optimistic about the upcoming elections.

In **Chagcharan** province, people appeared to be upbeat and excited. In **Kunduz**, the ambience was described as peaceful and full of excitement. It was remarked by one local person that, “Kunduz people are glad to be able to choose their own leaders after suffering from many years of war and destruction and they hope election will bring stability, peace and economic recovery”. Though the situation in **Ghazni** was calm and peaceful there was caution in the air as the election was new and people were tired of wars and were expecting peace. **Herat** was peaceful, although districts like Shindand, Obe, Farsi and Chishi Sharif were off limits to observers due to security concerns.



Candidates and Agents during JEMB organized workshop before election

In the province of **Ghazni**, observation teams could not travel without armed escorts due to the poor security situation. The fact was that Ghazni is surrounded by provinces of Khost, Paktika, Jaghuri and Paktya, where the Taliban have been active. The observers were told that attacks were occurring on a daily basis and the locals and everybody was tensed and nervous about the upcoming elections. There was no knowledge of what to expect during those times. **Jalalabad** was on security alert and advice was to avoid any visits to Kunar and Nuristan provinces due to security conditions.

A long-term observer (LTO) in **Baglan** province noted that the local people were seemingly not interested in the campaigns conducted by the candidates or their agents. It further seemed that some of the candidates were not aware and did not know about the voting and counting procedure. The situation was compounded in **Kabul** where rumors were floating around that the Taliban were planning to sabotage the parliamentary elections using violence. Many Kabuli (Kabul people) expressed their fears about such developments during the elections. Comparisons were being drawn between the present elections and the 2004 Presidential election, which was considered to be generally peaceful.

Civic / Voter Education

The JEMB in order to reach out to voters and especially to the large number of illiterate people carried out civic education activities. Its activities were through strong graphic based visual aids, flip charts, posters, leaflets, handbooks and stickers. Trained civic education staffs (civic educators) were engaged in conducting direct meetings with communities and explaining the flip charts and posters along with distributing the materials among the community.

JEMB claimed that during the civic education campaign¹, the following activities were simultaneously conducted by all Public Outreach Officers and Civic Educators throughout the 34 provinces:

- **Community Mobilization Events (CME)** – these were designed to gain the support of influential community members such as mullahs, elders, tribal leaders, professional associations (teachers, doctors), and NGOs, to assist in the dissemination of election messages to their communities. International and National Public Outreach Officers were conducting these events at the provincial and district level.
- **Face-to-Face Activities (F-2-F)** – were conducted by Civic Educators, who visited communities to explain the election process.
- **Briefings** – such as gatherings were conducted in public places such as markets, public meeting places, parks etc. Briefings typically entailed question and answer sessions and the distribution of leaflets and flyers.
- **“On the Spot”** – these were aimed to inform all eligible voters where and when the registration and polling sites were operating. These activities delivered voter education messages aided by handouts (leaflets, flyers, and booklets).
- **Mock elections and how to mark a ballot** - Four to six weeks prior to Election Day, Civic Educators conducted mock elections aimed at familiarizing Afghans with polling day procedures and demonstrating how to clearly mark the ballot papers.
- **Materials Distribution** - civic education material such as posters, leaflets, stickers, brochures, and booklets were widely distributed. Material was developed in the Joint Electoral Management Body Secretariat Kabul Headquarters and sent to the regional and provincial capitals, from where it was distributed to the Afghan communities.
- **Mobile Cinema** – traveling to every district of Afghanistan, often to the most remote parts of the country, showing a trilogy of films about the elections of the Wolesi Jirga and Provincial Councils. The films were also broadcast on main TV stations around the country.



JEMB Mobile theatre carrvina out civic education

However, there seemed to be many problems with reaching out to the Kuchi or nomadic population in many areas. In **Kandahar city** voter education for Kuchi seemed to have been badly ignored by JEMB and the local Kuchi community complained that there might not be enough polling venues for them.

Members of about 1,500 strong Kuchi communities in Dorhi, just 10 km outside Kandahar city center, said that they had not been even once visited by the JEMB staff.

One Kuchi member shared the concerns of the

Kuchi community with the ANFREL observers saying that, “this was a good example of how badly the JEMB voter education had missed the Kuchi community”. In Kabul too the Kuchi community shared the same concerns and stated that they had yet to meet anyone from the JEMB and that they had little knowledge about the elections and voting procedure.

The situation about the lack of voter education for Kuchi was equally alarming in **Herat city**. It was noted by ANFREL observers there that there were many of them who had no clue

about what the election was all about and most of them insisted that they would again vote for the President i.e. Hamid Karzai, as he had helped to restore security over the past two years.

In **Kunduz**, many Kuchi voters had not yet got their registration cards as they were in the desert during the registration period and there was no way to be informed. Thus it was too late for them to take part in the elections.

In **Jalalabad** there were still voters who did not understand the difference between presidential elections and parliamentary elections. Many people were reportedly stating that they would not be voting again as they had already cast their vote last year.

Intimidation and Security

Voters participate in the elections on the basis of their free will. Imposition of any kind of direct or indirect restriction on voters and/or candidates on the basis of language, ethnic, gender, tribal, geographic, religious, or social status is prohibited. - Electoral Law, Article 5
Respect for the Principle of Free Will



Security personnel taking rounds near the polling stations

Under the Regulations on Offences during Elections adopted by the JEMB there was prohibition on the use of abusive and insulting language and incitement to violence (Article 5).^{li} Despite the general optimism among voters and candidates as this was the first parliamentary election since 1973, intimidation of candidates and voters, was indeed quite a common occurrence in many areas where the observers were deployed.

In **Chagcharan** province one candidate expressed his dissatisfaction stating that

many of the people standing for elections were affiliated with the local warlords, armed groups and criminals. Although the candidate had filled a complaint with the Electoral Complaints Commission (ECC), the complaint was not entertained and was in fact being ignored.

In **Baglan** province, one candidate who had filed a complaint had received mysterious phone calls, just after 10 minutes after leaving the JEMB provincial office. The phone call demanded to know why the candidate had made a complaint and was threatening. The Provincial Election Commissioner told the inquiring observers that the case was not to be talked about and discussed. No amount of persuasion worked on the Commissioner.

People in **Herat** province stated that there was no protection provided to those who wished to file a complaint and many were afraid to do so. One candidate had stated that someone was trying to kill him and that he was even being followed by a mysterious car. Supporters of former Herat Governor Ismail Khan also claimed that their freedom of expression was curtailed by the anti-Khan group. In **Herat**, in some districts there were forces, which, were carrying out efforts counter-productive to the democratic setup, some candidates even expressed that if they lost the elections, then anything could happen to them.

The security situation was such that the observers were not even allowed to go anywhere without their driver, interpreter and escorts. Only 50% of the province's area was regarded as

safe enough to visit. The observers also learned that prior to their visit a UK national working for a construction firm was killed in Farah province near Herat. A disqualified candidate in **Herat** threatened to stage a huge demonstration and attack the local police if his candidacy was not re-instated. A local JEMB officer had said in confidence to the observer team that the candidate would very likely be back on the qualified list again and would be running for elections.

Kandahar was another highly volatile area being the stronghold of the Taliban. Local people where however stating that the Taliban were concentrating on fighting with the US-led coalition forces and would not be looking to sabotaging the elections as a priority. The local candidates in the province were not confident and felt insecure to conduct their campaign, as the government was unable to ensure their safety. Security was one of the biggest concerns in **Kandahar** and most candidates were gripped with fear though a large voter turnout was expected. In **Ghazni**, many candidates expressed that they were afraid to file a complaint due to the backlash and repercussions. In **Jawzjan** province, the head of National Director of Security (NDS) expected a terror attack on Election Day, possibly from al-Qaeda and added that the number of police in the area were inadequate.

In **Kandahar**, the security situation was “critical” with isolated explosions at the airport road and Hilmand-Kandahar Road. The US and Allied forces were reportedly continuing their fight in **Ghorak** district, northwest of the province. Reports of Taliban fighters being engaged by the US forces kept pouring in. It was noted that such incidences were constraining the election observation work in Kandahar, as observers were being highly restricted in their movements due to the heightened security concerns. In one instance, a candidate had out rightly directed the observers not to visit his campaign area sensing a possible threat to the security of foreigners.

The province of **Ghazni** was another violence-torn province as the Taliban was active there. The observer team learnt that a hand rocket was fired into the compound of the Provincial Reconstruction Team (PRT). The villagers even stated to the ANFREL team that they would not be sending their women out to vote for fear of retaliation by the Taliban. Additionally, rumors were abounded that Ghazni would be one of the four cities to be attacked by the Taliban during the elections. Threats and intimidations were issued to the locals, stating that anyone who complained would face death. One warlord reportedly was intimidating people into voting for him through his armed guards and was issuing death threats for any complaints lodged against him. The team observed that the number of complaints in that province were few compared to other provinces amounting to only 37 complaints during the observation.



Security officers patrolling the streets

In **Baglan** province too, no action was taken by the authorities to prevent any intimidation and threats. There were reports of vandalism in **Chagcharan** province. In some cases the candidates posters were torn down by voters themselves who were unhappy with some of them. Similar incidents were reported from **Sherbergan** province also. **Baglan** province was placed under UN ‘White City’ security alert code, and was prepared for a possible evacuation of election staff if major violence broke out. The team learnt that this was due to the fact that three alleged warlords had recently

been disqualified from the elections. The security situation was fragile and activities inside the JEMBS compound had come to a halt on 16th September due to the tensions.

Jalalabad seemed a city plagued with problems. Security concerns of threats to life and newly planted landmines on the road were reported to the observers.

In **Jalalabad, Kabul** and some other areas poster campaigning was competitive and agents were pasting the posters on top of other candidate's posters. Locals had even pointed out that there would be a possible interference by the local warlords during the counting process and they even expected violence before the Election Day also. Such were the apparent suspicions that the local people were suspicious about the neighboring country's (i.e. Pakistan's) involvement in supporting some of the local warlords who were competing in the elections.

Panjsher, Kunduz as well as **Mazar-e Sharif**, had reportedly no such incidences of intimidation or security problems. However, in **Mazar-e Sharif**, there was a failed assassination attempt of one candidate which took place on Wednesday September 14. The situation in **Kunduz** province was peaceful although there were 1,400-armed officers have been deployed in the province.

There were also death threats from mysterious phone calls being reported in many areas such as **Chagcharan** province and it seemed so effective that no evidence could be produced to the PEC and other related organizations to take action at their end. The province was rumored with news that one of the candidate who was a former mujahiddin commander was preparing to launch an attack on the province if he lost the elections.



Candidate hosting banquet cum campaign party

According to the reports from ANFREL observers from all parts of the country it very much seemed that Intimidation appeared to be widespread in many areas. Although the total numbers of candidates who died during the campaign prior to the election was considered minimal by some (seven killed as of Friday September 16) the existence of the 'assassination clause' in the Afghan Election Law could mean many more killings in the post-election period. The clause stipulates that if a winning candidate happened to die due to natural or unnatural cause, the candidate with the next highest vote would automatically

assume the place of the deceased. Thus any losing warlord could get his winning rival killed and thus inherit the post.

Money Politics and Vote Buying

Under the Regulations on Offences during Elections adopted by the JEMB^{lii} there is prohibition to carry out undue influence and bribery (Article 7). Yet there were many glaring incidences which could be categorized as a form of vote buying. Candidates hosting lunch and dinner for voters, police officials and also the polling staff seemed one of the most controversial aspects of the elections. The practice was not considered illegal under the law unless it was done on the Election Day itself, as it was considered as part of Afghan's culture of 'hospitality'.

The Afghan election law does not prohibit the candidates from handing out gifts to the electorate except on the Election Day. This does give the candidates leverage for vote buying and this notion also caused disappointment to FEFA staff. FEFA was disappointed and concerned that candidates who were giving lunches and dinners with music and dance being provided to the voters almost everyday in Kabul (in one instance it was the hotel owner who was a candidate himself) in the name of tradition. It was also noted on one occasion that about 10 police officials were invited and some had even got drunk.

Viewed from the international electoral standards perspective, such methods are considered to be a vote buying tactic. Yet the local Afghan people and even some of the JEMB staff were insisting that such banquets are part of Afghan traditional “hospitality” and thus unquestionable. The use of such traditional methods in order to influence the voters by projecting themselves i.e. the candidates as benevolent was an electoral distortion and gave the rich candidates a great advantage over the other poorer and perhaps credible candidates, who had little or no such “hospitality” budgets for campaigns.

One of the most noticeable examples of such hospitality was a party which was held in **Sherbergan**, which was attended by important people, was held in the honor of Gen. Dustum’s father and went on for three days.

Parties held by rich candidates were also reported from **Herat** province as being ‘common’ and such classification of these parties was raising concerns among other election observers from Europe and NDI staff. One male candidate, originally from **Kurkh** district remarked that: “If [rich] candidates don’t win the election, what will they do? Maybe more robbery or drug trafficking. They need to get the money that they are spending.” Another candidate from the province wished JEMB could provide cars for candidates since those without money could not afford to go to other districts to campaign.

A female candidate in **Kabul** stated that a few candidates must have spent more than the amount that was slated to be spent as mentioned by the Election Commission. However, despite filing several complaints to the ECC it was of no avail. The most glaring violation of the electoral standards to influence voters could be said to have taken place in **Panjsher**, where the hosting of lunch allegedly went as far as to include polling staff among the invitees.

In **Baglan** some of the local sources stated that some candidates were buying the polling staff to work for them by giving cash or identifying personal connections with them. There were some rich candidates in the province who had already spent around US \$50,000 to \$60,000 for their campaigns, with dozen of vehicles and a hundred men working for the campaign team, while others struggled with fund raising. These rich and influential candidates were also having special ties with the government officials as well as with the warlords and also even with the JEMBS staff.



Long-term observer from Malaysia and ANFREL’s Vice Chair talking to a voter in Kabul.

A local mullah (religious leader) in **Jalalabad** commented that many candidates had come to meet him and were in the process of negotiating with him to have his help for their campaign. This was in return for a sum of 50,000 to 100,000 Afghani currencies. The mullah added that he had not yet decided whom he would like to assist. He added however that whichever candidate he endorsed would get at least 5,000 votes.

Sherbergan was abounding with many complaints about vote buying. It was alleged that some of the candidates had bought registration cards from the voters. Three cards were bought for US\$ 100 or could be exchanged for food. However, none of the candidates admitted of indulging in any wrongdoing. Further more in **Ghazni**, the fourth largest province in Afghanistan a candidate was reportedly visiting people's houses to collect their registration cards stating that these would be returned back on the Election Day after the voting was over. There was no checking on such practices or any action taken to prevent such abuse of power or voter harassment.

In **Baglan** province one candidate has allegedly bought almost 10,000 cards at a price of 5 US dollars per card. "It is getting very common here, that the richest candidate makes sure they would control the vote," one local curtly remarked.

In **Kunduz**, money and mobile phone were being allegedly offered by some candidates to the local community leaders to get their support and through them to put pressure on the voters for their support. Similar stories were rampant in **Jalalabad** and in addition female voter registration cards without a photograph were very much in high demand and it was alleged that Maliks or local leaders were also engaged in the sale of such cards to the candidates.

Violations of the election rules was not been looked at and no action was taken when an agent of one candidate was seen distributing leaflets on Friday although it was supposed to be part of the two-day cooling period prior to the elections. Most of the areas witnessed such practices that allowed for an unfair advantage for those who could afford to spend large sums of money, although the Election Law stated that no candidate should spend more than 700,000 Afghani. A few observers reckoned that the amount spent by some rich candidates on parties and music definitely surpassed budget ceilings. The observers also noted that JEMB did not appear to have any effective mechanism to enforce the regulation and were inept to act sternly in such cases.



Woman looking at election education material.

Women's Participation: What do Afghan women want?

Article 23 of the Electoral law outlines in detail the allocation of seats to female candidates in the Wolesi Jirga and allocates one seat to the female candidate who received the most votes. Subsequently on the allocation of seats to the Provincial Council, Article 31 states that the two top most voted female candidates for each provincial council would be automatically elected.

Women's participation both as candidates and as registered voters reached new heights, despite reports of persistent discrimination and intimidation in many areas. In **Herat**, the Hazara female candidates and their agents were very active and well organized. However, since men still held political decision-making in Afghan society and the male's role was the

head of the family, they would often tell their family members for whom they should vote. Yet despite such opposition and non-political education and organization of the Afghan women in the local politics, such women's participation in the elections was encouraging for an evolving women's rights movement in Afghanistan.

During the run-up to the elections, many had raised concerns against this quota for women. They argued that such a reservation constituted discrimination against men. Since in some cases there were only two women candidates – they would automatically get elected and such election of women to the parliament based on quotas and not merit would not only affect the quality of parliamentary processes, but also limit the representative character of a democracy some argued. Also it was alleged that some women candidates were simply 'fronts' of former warlords, who would be controlled by them in the event they were elected to the Parliament.

It is difficult to comment upon the reservation quota – whether it is legitimate or not, without looking at the status of the women in Afghan society.

In everyday life, women of Afghanistan are still quite 'invisible' in the public space. Indeed in some cities such as **Jalalabad**, it was difficult to come across a woman on the streets, unaccompanied by a male. Many of the women, who were spoken to, stated that their place was within the home and for that reason they had given up their studies once they finished primary school. They looked upon men to make all decisions concerning the public space. Some had dreams of doing much more than being within the four walls of the *jenana* but at the same time thought that their culture did not allow them to do so. Women declined to be photographed as it was not allowed by their husbands. Many women in the prisons were charged with "moral crimes", such as running away from an abusive husband, having an affair or, for being victims of rape.



Posters of a woman candidate in Herat

Most women when asked – Would you exercise the right to vote? would usually answer, "Yes, if my husband allows me to do so". When the men were asked if the women in their family would vote the men gave one common answer, that "our culture does not allow us to do so". Many of the men were also supporting the traditional conservative view and were also expecting the women to vote according to their husbands or fathers wishes. While even though there were some women who did express that they had their right to vote, but they were only willing to exercise the right as per their husband's wishes.

The resistance of traditional and conservative forces opposed to allowing women a role in the public space is quite strong. In the run up to the election in the northern province of **Baghlan**, three women were found raped and strangled to death in an attempt to scare women from working for aid groups. Another young Afghan woman in the northeastern province of **Badakhshan**, was sentenced to death by stoning by local religious leaders for allegedly committing adultery.

During the election campaign, women candidates confronted numerous challenges to equal participation, including access to information, free movement around the country, few

guarantees for their physical safety, and lack of financial resources compared to men. A mosque was permitted to be used for campaigning, but only by male candidates. Women candidates could not use that public space. At the same time, campaigning in schools was prohibited for all, though schools were much more accessible for women candidates. Also women candidates could not stand in a street corner and give their election speeches – they were allowed only to go house to house and speak to the women only.

Even the female voters are not allowed to enter the mosques to listen to the male candidates. The women candidates had little or no access to some rural areas due to the traditional male practice, which does not accept women's participation in the public realm in Afghanistan. In **Baglan**, one female candidate's husband was arrested by the police without charge and placed in a prison in Kabul for two days. This was simply because he helped her with the campaign by acting as her driver in a private car. It was later learnt that the husband eventually lost his job and the woman candidate was also receiving mysterious phone calls threatening her to stop her campaigning or else she would lose her life.

Some of the local mullahs (religious teachers) were persistently criticizing women candidates after the Friday prayers. In **Kabul**, some men expressed their opposition to the quota system outlined for women and said staunchly that the men could manage the country better than women. However, not all the mullahs were anti-women. In **Jalalabad**, some mullah's were even encouraging husbands to take their wives out to vote and also stated that greater women's participation would be beneficial to the community as more teachers and doctors were needed. In **Ghazni**, Kuchi people did not have their own women candidates. Some local people confided to ANFREL observers that women voters might not be allowed by their male counterparts to go out and vote on the Election Day.

In **Kandahar** province, there was a noted improvement in women voters' registration as almost 45% of the newly registered voters were women. It was learned that the JEMB through its efforts on voter education had educated 50,212 women out of the total 121,971 women population in the area. FEFA staff admitted that it was still normal for female activists to be under their husbands' control. In **Sherbergan** female candidates had a tendency to talk more about human rights issues and on women's rights. There seemed to be a growing awareness among the women candidates about the need to improve



Women asking question during a workshop

women's conditions and to promote their rights within the new Afghan constitutional framework. Despite the quota system guaranteeing certain seats to women in the Wolesi Jirga, traditional customs continued to exclude women candidates and voters in most areas from equally participating in the election. Mosques were still a no-go area for most if not all female candidates and the women candidates seemed to attract unusual numbers of threats. Women voters were also discouraged by some religious leaders as well as male heads of households from supporting female candidates or even from exercising their right to vote.

A female candidate in **Mazar-Sher-begun** received continuous death threats from anonymous callers. Even after reporting to the PEC no action was taken due to the lack of evidence. Two

other female candidates in the city faced similar threats. Rural women voters around that city said they did not receive enough information and were not allowed by their husbands to go out to listen to any ongoing campaigns.

In **Herat**, a female candidate said she could not even use the mosque's loud speaker to announce her campaign in a nearby area. A mullah in **Chagcharan** province told his congregation not to vote for any women candidates and insisted that those who voted for women would not be considered to be Muslim. In **Kandahar city**, six women voters whom the team interviewed said they were happy about the election but they would simply wait for information from their husbands on whom they should vote for. Some female candidates in that city expressed their frustration about current unequal rights between genders, saying that women who suffered from physical abuse and violence still could not divorce their husbands no matter what. They also admitted that, cultural and gender pressure did play a negative role on their campaigns.



A woman trainer explaining electoral process to male participants

However, in a contrasting example of women's struggle for equal participation in **Herat**, Ms. Fauzia Galani, a female body building trainer, was elected to the Wolesi Jirga over 12 men who are mostly religious leaders or were quite popular government servants. Four other women were elected from Herat against the special quota for women. In Farah, Ms. Malalai Joya, 25 years old, known for her outspokenness against the warlords during the 2003 constitution drafting session in Kabul, received the second highest votes in the Wolesi Jirga elections.

Thus women parliamentarians were elected in the general category as well as against the special quotas that reserves 25% of its seats in the lower house and 17% in the upper house of Parliament for women.

Kabul however provided the most liberal stage for female candidate according to one female candidate in the capital. The women candidates were able to move freely and unhampered. A male candidate in Kabul argued however that women were not quite ready to participate in the election. In **Jalalabad**, women were hardly seen in public areas and some of the women stated that their men would not allow them to go out and vote.

In **Kunduz**, almost all female students and teachers in various schools had expressed that they would vote for women candidates because they believed women worked better than men and knew better about women's needs. They also said that they also hoped that candidates could bring about a better future and eventually allow women to work on an equal footing with their male counterparts in all professions. However, even in that province, the message was mixed as the local religious leader reiterated that women voters had no understanding about elections and politics and since they were illiterate and could only speak Turkmani and not Dari or Pashto, they were not capable of good judgment.

However, on the other hand there were also some women who expressed skepticism against the women candidates itself and stated that most of the politicians forgot their promises made

during elections and so these women candidates would be no better. Some women candidates who had received advanced education expressed strong opinion that their culture or religion did not impose limits on women; rather these limits were superimposed by the patriarchal interests in the name of culture by religious zealots. Expressing that women would have to work hard to re-interpret culture and religion in ways that advances they right of women, such as equal access to education, improving health facilities for women and children, amending harsh laws and practice against the fundamental rights of women (freedom of expression, freedom of association and freedom of assembly). The issue of reservation of seats for women figuratively poses a question, would the women elected to the parliament and provincial councils be able to voice what Afghan women want?

It is not fair to speculate on this so early. But perhaps one thing is sure – that the reservation gives new opportunity to many women to participate in the public sphere and in the decision making of the social, political, economic and cultural development of the country. This is not to say that there were no women holding public offices before. Indeed there were many women officers who seemed to be performing their duties in the most efficient way possible. But a parliamentarian is different – as they are much more visible to the ordinary public.



Community women leaders participating in JEMB organized Civic Education Programme

To initiate social change, there is a need for role models. Perhaps it is these parliamentarians who would inspire more women to take active interest in political affairs of the country and the decisions affecting their lives. And it may encourage many more to come out of their cloistered lives. “The citizens of Afghanistan –whether man or woman- have equal rights and duties before the law”

JEMB and Electoral Administration

The JEMB was generally regarded by local people as being helpful. People in **Sherbergan**, for example, said they learned a lot from JEMB about the election through seminars, trainings and workshops. Candidates also appeared to be very happy with the training and learned a lot about how to campaign from the JEMB.

In **Sherbergan** however there were complaints that some registration places provided by the JEMB were too far from the villages to go and register. Many Afghans who returned from neighboring Pakistan failed to register due to the short period given for registration. Some people who live in Faizabad district were issued Kuchi (nomad) registration card although they were not nomads. In **Panjsher**, Kuchi voters themselves stated they didn’t get any voter education from anybody and most Kuchi women didn’t have any registration card.

In **Chagcharan**, one local person stated that the JEMB office was not accessible to both candidates and voters and people were not able to enter the compound and that there was no complaint box. In **Kandahar**, the JEMB public outreach section was unable to cover some of the areas, such as **Ghorak** district of the province under its voter education campaign program

due to security concerns. It was also learned that in an incident one JEMB driver was found distributing campaign materials for one candidate; he was later fired by JEMB. It was also reported, that a local JEMB staff member had mishandled the voter registration cards and the staff was placed under custody awaiting further investigation.

In **Kandahar** 40 complaints had been filed to the provincial JEMB, but international observers could not access the complaints filed as the JEMB office in that area was unapproachable due to security concerns. The JEMB stated that they had five Kuchi civic educators assigned to the Kuchi areas of Kandahar. But the people in the Kuchi area visited by ANFREL claimed that they had never been visited by any of the educators. Additionally, they also claimed that they were completely unaware about the location of the Polling Station. On further inquiry it was found that of several people interviewed in that area only two Kuchi people were aware that a parliamentary election would be taking place soon, while most of them were not aware about it at all. Some of the JEMB staff openly admitted the possibility of a high number of voters having duplicate voter's card. JEMB staff hoped that the indelible ink would help in preventing the problem from becoming worse. Some questions were raised on the neutrality of the JEMB itself and because of the fact that there a few staff who were relatives of some of the candidates standing for the elections. It brought into question JEMB's functioning, transparency, morality and credibility. The fact that among the candidates about 30 warlords were running for elections and had a past history of violence and mayhem well known among the locals, contributed towards a disillusionment with JEMB's functioning since prior to the elections only two candidates in total has been disqualified. This led local people to believe that the election procedures and laws were inadequate and not effective in preventing candidates with criminal backgrounds from standing for elections. This in itself was considered a big failure of the JEMB by the locals.

The PEC in Kandahar was written off by the ANFREL observers as "very ineffective and nominal as an institution". This seems to stem from the fact that just four days before the elections only 4 out of 51 complaints had been resolved. In two cases it was known that a local JEMB staff was charged with using a JEMB machine to print phantom registration cards with the intent to sell it to interested buyers. While in another case, there was an allegation against another local JEMB staff for printing 3,000 illegal registration cards for two warlord candidates. However, both the cases were dropped due to lack of evidence. However, it was learnt that the two accused candidates were never questioned about the allegations against them. Observers were not allowed to look at the complaints made to the PEC and on repeated requests were consistently refused outright without any explanations. Some of the PEC staff however confided and admitted that they were working under stressful and more importantly a fearful environment and due to such reasons they were unable to divulge any information on the two accused [warlords] for the fear of their own security and life.

In **Ghazni**, there seemed to be an enthusiasm by the candidates and the voters and they were keen on getting information and updates. It was found that the local candidates visited JEMB's office everyday to know what was happening and the voters too visited the office to get the candidates list. In **Herat** province, the JEMB mobile theatre seemed to be an effective tool for reaching illiterate people and those with low literacy levels. JEMB's public outreach program reached 10,280 people in the province. The observers did learn that, some election officers in Herat were reported to be relatives of some candidates or in some cases even affiliated with political parties.

Some of the Kuchi civic education program staff lacked logistic support from the provincial officers. The mobile theatre education program in **Jalalabad** ended up attracting mostly youth

and children under the age of 18. Uneducated people stated that they still did not know how to vote and complained that some symbols, e.g. one and two scissors were confusing. Pictures of almost all candidates looked alike due to the small size (i.e. passport size) and of poor quality and blurry printing. On a positive note, it was noted by the observers about JEMB's remarkable initiative in hiring 51 handicapped people to work as election staff in the area.

Complaints from **Mazar-Sher-Begum** were about threats and security staff illegally supporting certain candidates. To make matters worse, a candidate in **Kandahar** alleged that he had received a number of reports that several candidates have purchased voter registration cards from local JEMB staff and this had shaken some of the other candidate's confidence in JEMB towards its neutrality. Such similar resentments were expressed in **Jalalabad**. The local people also shared their concerns with the observers stating that, it was beyond any understanding and comprehension why these people [warlords] had not been disqualified. Some candidates had massacred families in some villages because the fathers had refused to give their daughters to marry to these warlords. People feared what would occur if such people were elected.

A prominent Kuchi candidate in **Kabul** criticized the overall functioning of JEMB, particularly at the lowest level, stating that, "The new personnel are bound to commit the same mistake as those who worked in the 2004 election, since they have not been given a good sound input on democratic principles and have no previous exposures. How can one expect them to be neutral and impartial in such a situation?"

IV. Polling Day

Polling Stations and Opening Process

Initial inquiry in Baghlan in one of the Polling Station revealed that the Polling Staff and the District Field Coordinator were not aware about the change in regulations made by the JEMB to open the Polling Station at 06.00 a.m. Further inquiry revealed that during the training sessions for the staff, instructions were given to open the stations at 07.00 a.m. Most of the polling stations visited by ANFREL observers were not opened by 07.00 a.m. and this was caused agitation amongst most of the waiting male voters who had gathered early in the morning to cast their votes.



Polling officers showing the empty ballot box at the opening of the polling station.

Such was the level of understanding and preparations that one of the female Polling Station staff in Shar-E-Khona Mosque in Baghlan was not even fully prepared for voting until 07.50 a.m. There were numerous instances where the space provided for the Polling Stations were inadequate for the voters to cast their ballots and crowds of people were seen gathered outside the buildings and in some cases even outside the gates of the premises. Due to the cultural and traditional customs, observers were also refrained and even denied permission to take pictures in some of the female polling stations.

The lack of staff training on election, electoral processes and setting up the Polling Stations and related process was evident on election day. It was observed in some instances that the

Polling Stations were set up in the open air without any tents or any enclosures or boundaries to mark the polling stations. In some instances it was also observed that in two of the Polling Stations, the seal of two equipment boxes were broken before the opening of the station.

Observations in the districts of Bambang and Ann Sri Yani in Ghazni provinces revealed that most of the Polling Stations did not start on time, yet, the work and coordination observed in the women's polling station was found to be better than the ones managed by the men.



ANFREL observed in two districts of Herat provinces, the city of Herat and Kohsan in about six polling centers (two were in Herat city and four in Kohsan). Amongst the ten polling stations for women, of which one was a Kuchi women's polling station, most of them opened later on the Election Day than the stipulated time. Additionally it was noted that even the Grawhar Shad High School which was visited by the JEMB, to observe the opening of the polling station had in fact opened at about 06.30 a.m., while some opened between 06.40 a.m. – 07.00 a.m.

In Jawzjan province on Election Day, the Polling Centers / Stations opened late, as most of the staff responsible for opening them themselves arrived late. The Chairman at one of the Polling Stations did not show the empty ballot box before sealing it, stating they were waiting for witnesses to come and due to the delay, had no choice but to proceed. They did not invite the candidates' agents and other observers present in the Polling Station to observe the sealing of the boxes.

In Jalalabad, the 12 Polling Centers visited of which 10 were inside Jalalabad City and two outside in the neighboring districts, included around 160 Polling Stations under those Polling Centers, the polling day environment was quite peaceful, and no big incident took place in the province. In some polling stations, it was observed that only 20-40 people had cast their votes. Some of the Polling Centers were not ready by 06.00 a.m., even though the Polling Station staff had come at 04.00 a.m. in the morning, it took them some time to understand and set things up.

ANFREL observed 97 Polling Stations in Kabul city and one a nearby province on the Polling Day and the situation was peaceful but had several technical problems related to polling processes and procedures, which needed to be addressed. In Kandahar the voting did not start at the stipulated time of 06.00 a.m. at the Teachers Training School of Kandahar (Polling Center No. 019) which had about 10 male polling stations and about 10 female polling stations. There were numerous posters of candidates still visible just outside the polling center. Even with



Young enthusiastic voter displaying his registration card

the security personnel manning the entrance, they only did a casual body search and looked inside the bags but did not check for any voter registration cards. This could have led to any one who was walking into the polling center as there were no local observers present in the Center who could also observe and facilitate in identifying any non-local person.



Dark and crowded polling station

Curtailed by the security concerns observation in Kunduz province was limited to Kunduz city only. This province had about 56 Polling Center's and around 238 Polling Stations, however due to the given constraints only 12 centers which included about 71 polling stations (37 for female, 30 for males and 2 for Kuchi people) were observed. There were no big problems that occurred during the observations, given the ongoing political and highly volatile environment. The staff of one polling station were found to be highly motivated in their work. In some of the

polling stations it was observed that the security was tight and the police officers were making sure that the voters were not bringing any weapons or illegal items into the polling centers.

Panjsher province had a peaceful polling day, as during the observations it was noted that there were no blocks to any access to the polling stations, which were located at the designated places determined by the JEMB. However, some of the polling stations did lack proper access and facilities for male and female voters. In some of the female Polling Stations there were no female officials present to assist the women voters and there were men who were non-staff members moving around the Polling Stations. In some cases the Polling Stations were not secure enough and did not ensure the secrecy of the ballot casting process. In one case, the polling booths were improperly located and the officers and the other voters could easily see the voters marking the ballot papers and casting their votes.

Security

In Baghlan province, the polling staff claimed that a time bomb was found in a Polling Center in Shar-E-Khona, which had six polling stations under its command. However, this information was not verified to be certain by the Chief of Police. A European Union observer did confirm the same information on crosschecking and even the ANFREL security and logistics firm, KROLL, confirmed the same. There were expectations of trouble brewing up which added to the heavy presence of American and Afghan army in the area. During the elections, the situation was however calm and peaceful in Ghazni.



Armored car in Jalalabad

In Kunduz City, there was a noted absenteeism of violence and the situation was under control. The security people had done their work very well. In Kohsan, there was a big campaign office set up nearby the main town of Kohsan at the Youth Friendship Public Ground. There were big posters and a few armed men walking around the candidate Mr. Zabet

Ghulam Ghous, a Wolesi Jirga candidate. He was campaigning together with another ex-Mujahedeen Commander, Mr. Ghulam Nabi Karimi. The observer team learnt that about 10 days prior to the Election Day, Mr. Zabet Ghulam Ghous WJ candidate and Mr. Ghulam Nabi Karimi Provincial Council candidate, went to Ghulran and were robbed by two men on a motorbike. During the incident, one of their security guards died and one man was later arrested. On further inquiry by the observers, they were informed that it was a robbery and was not related to the elections. Mr. Karimi's brother however, shared a different opinion with the ANFREL team telling them that it was an attempt to attack the candidates but it was not known who their real target was. Additional information was not obtained about the incident. Yet, in a related development it was told that Mr. Zabet Ghulam Ghous was sending two agents in almost all of the women's stations where observation teams were visiting. It seemed that the candidate was trying to gather information about the visits and getting details about the talks held over there with the staff and the locals.



General Observations during Polling Hours

Generally noticed by ANFREL observers was the lack of adequate knowledge of the Polling Staff, which, caused difficulties and confusion in setting up the Polling Stations. It was felt that the staffs even after their trainings were not yet fully aware about how to set up the polling booths. Some of the polling stations visited were very small and dark and did not have any facilities for light, neither natural light nor windows. It was also observed throughout that either the Polling Centers or the Polling Stations were crowded with either candidates or their agents.

In general the environment was observed to be peaceful. Yet in blatant violation of the election law, rules and regulations it was noticed that the posters of the candidates were within the 100m radius of the Polling Center/Polling Station. Some of the candidate's agents had gone to the extent of putting their posters / leaflets on the walls of the Polling Center / Polling Stations.

In Baghlan, some of the vehicles from particular candidates were present near the polling station. These vehicles were in fact, engaged, in organizing voters to come to the Polling Station, while some of the candidates were also present in the Polling Stations. During some of the morning observation rounds in Baghlan's Tasardi PC-PIK, many complaints were found addressed to the PEC regarding the District Field Coordinator (DFC). It was learnt that the DFC had not allowed the candidates agents to spend the night with the boxes in the Polling Center.

One of the Polling Stations visited in Baghlan province was set up in the open air without any tent or any enclosures to mark it. In some Polling Centers / Stations it was observed that there were few women present for polling. While observing the Polling Center in Baghlan Sanaty, the observation team unexpectedly had an argument with the DFC while trying to inquire about the voter turnout. It seemed that the DFC was not aware that sharing such information was a norm and thus had maintained that these numbers were a secret and could not be divulged to anyone. Repeated requests resulted in an argument with the DFC being adamant on his own belief and knowledge.



In some revealing observations, it was found that in Ghazni many people did not know how to vote and were actually fumbling during the voting process. The situation became frustrating for the voters and reached to the level where some of the voters eventually opposed the elections and even nearly assaulted the supervisor of Raushnayee Mosque.



Cleaning the finger before dipping the finger in to ink bottle

Local election organizations and some candidates in Herat expressed that the Election Day was good and seemed well administrated. However, there were some minor problems related to campaigning on Polling Day which was in fact the late opening of the Polling Stations and late delivering of the boxes and the sensitive materials to the Counting Center. Some of the Polling Centers also held a high number of candidate agents. In the Kohsan district of Herat the Governor's a WJ candidate, his brother had his vans pasted with the campaign posters, were parked in a number of Polling Centers in Kohsan District. Additionally there

was sometimes more than one person present in the polling booth and it was a stark fact that this was more common in the women's polling stations. In some instances it was also noted that there were women voters amongst the male voters and some of the male polling officers were assisting some of the illiterate women voters to cast their votes.

Also in Herat proxy voting was being detected by the staff who denied young and unregistered women voters to vote on behalf of their mothers or sisters. Some voters who carried two cards were categorically denied double voting with clear instructions being given to them stating that they could only vote once and that they could only vote their own name and not on behalf of anyone whose card they additionally produced. While there were necessary cautions being taken inside the polling stations outside of No. 7 Polling Center for men and of the Kuchi Polling Center, just about 200 meters away was a WJ candidate's office which was still engaged in campaigning activities on election day. In addition there was the

stark fact that the candidate's men were roaming about carrying their weapons in public. Some of the Polling Center's security personnel refused to take any steps to deal with the situation. In the end the voter turnout rate was lower than the presidential elections for Herat.

In Jawzjan, though there were most of the essential materials, one of the JEMB staff shared that some of the polling stations in the district did not have enough materials. However, the problems were being looked into and being solved. Inquiries revealed that there were rumors from AQCHA stating that five ballot boxes from Yangi Arik were broken and about 30 observers saw that happening. Complaints were made to the Polling Center Manager but no action was taken. Another rumor from AQCHA was that the ballot boxes in HUB were not safe. It was also learnt that security guards were inside the room with the ballot boxes and observers were not allowed to come inside. Here too the lack of proper understanding of the electoral process was seen. However, though the JEMB procedures and regulations were seemingly done right, pens were not available for making the ballot papers, the entrances to the polling stations were very small and arrangements of the ballot papers were not in sequence to the set procedure.



3 voters coming together to look for the candidate whom they want to vote

In Jalalabad province, the Chief of the Polling Stations were waiting for orders from the DFC (District Field Coordinators) before they could open the boxes for sensitive as well as non-sensitive materials. According to the JEMB, notices in local languages about the disqualified candidate were to be put outside the Polling Stations and the inside of the Polling Booth – to prevent invalid ballots with regard to the disqualified candidate. Yet, there was no information about the disqualified candidate put up anywhere outside and inside the polling stations. There were too many candidate agents present at the Polling Stations. In some cases, they intervened too much into the functioning of the Polling Stations. Average vote casting time was about 6-7 minutes since most of the voters were illiterate people and some even took about ten minutes to cast their votes. In one incident two old ladies asked the polling officers to help them cast



Women waiting in the sun to cast their vote

their votes and additionally it was then noted that everybody was helping everybody, this left a lot of scope for 'guiding the voter'. Another incident was marked by irate voters who were prevented by the candidate's agents to seek any help from the Chief of the Polling Station or the staff in order to identify their candidates and cast their respective votes. Due to such over cautionary reactions

from the agents, some voters just cast their votes without marking the ballot papers, this too perhaps left a lot of scope for abuse of unmarked ballot papers.

Some of the polling stations in Jalalabad, which were marked for the women voters were very small and very dark due to lack of natural light and also due to lack of electricity. Torches were being used inside the stations in such situations, which caused delays and were stressfully chaotic causing restlessness amongst the women voters. This was compounded by the fact that on a hot afternoon about a hundred or more women were standing in the queue to cast their vote. Inquiries revealed that some had been waiting for more than two hours to cast their vote. The hot and humid rooms which lacked proper ventilation and lighting was causing suffocation, due to which one woman fell down unconscious. The situation was so despicable that coming inside thru the small entrance the women had to exit outside the polling station from a small window using a ladder placed there. It was appalling to notice that while eight Polling Stations were dedicated to male voters only one was marked for the female voters.

Additionally, it was a violation of the electoral rules to see the candidate agents wearing symbols and the photos of the candidates inside the polling stations while observing the voting process. In many instances some agents argued with the Chief of Polling Station to ask other agents to be turned out of the polling stations which led to some frequent arguments among the agents themselves and also the Chief of Polling Station with some agents. With the added chaos some of the polling officers were not using the tissue papers to clean the voter's fingers before voting and even in some instances forgot to put the official stamp on the ballot papers.

In Kabul it was noted that the Polling Stations opened/closed late in most instances and some voters got angry and even returned home (or went to other stations). Some voters did not know that they could go to vote at any station and rather went to the same Polling Station they were familiar with during the presidential elections. In some case's several Poll Officers did not seem to understand the polling process. Many of them did not even check the voters' fingers for an ink mark and did not look at the face of the voters to compare the photos on the ID cards. At some of the Polling Stations, the officers did not intervene to correct the voters when they were making a mistake while casting their ballots. Campaigns were still being carried out during the quiet days and on the polling day; these activities went on unchecked in full public view.



Women voters coming out of the polling station using ladder

Kandahar witnessed some instances where the vehicles of more than 10 candidates, with their posters still pasted on the vehicles, were roaming around the city on polling day. In some instances, these vehicles were parked near the Polling Centers. There were large numbers of agents present inside the Polling Stations and in some cases more than two agents were present inside the Polling Station at the same time. Other than ANFREL observers only two local observers from FEFA were present the whole day. A few voters were unable to cast their vote as they had registered in different provinces. There was an average of three booths per Polling Station. With the confusion over the opening timings, accreditation cards, and use of pens for making the ballots, there was a low turnout during the observation time. ANFREL

observed one voter who was registered in Zabul province and was not aware that he was required to vote at the province where he was registered.



Moshriqi High School, Polling Center No. 046 having nearly 20 Polling Station were all for men. Two agents were accusing JEMB in front of the ANFREL team that they didn't put a female station here. At the entrance of the Polling Center at the gate and wall, there were a number of campaign posters visible. The security persons at the entrance checked only the body and bag

and not the voter registration cards. At Polling Station No. 28/01/046/06 the ink officer didn't clean the finger of the voters before applying the ink. While there were two voters who had registration cards mentioning province as Uruzgani, they were allowed to vote. In Polling Station No. 28/01/046/09, six voters were waiting inside the Polling Station with the ballot papers in their hands to go the booths. While at Polling Station No. 28/01/046/04, an officer claimed that the voting at the station had started at 07.00 a.m. The Ahala Latis School (Polling Center No. 048 and 047) had both male (16) and female (10) Polling Stations, it was noticed that at most of Polling Stations they had pasted information about a dead candidate (Provincial Council no. 117) and advised voters not to vote him. In Polling Station No. 28/01/048/05, the Polling Station officials had found a Kuchi voter who had accidentally caste his vote in the station, right in front of the observation team. In PS No. 28/01/047/05 there was only one ballot booth in the station due to the space limit, and had an agent sitting behind the booth, who was removed by the chairman only after bringing it to the notice by the observation team. The local FEFA observers stated that the polling had started at 07.00 a.m.

At Marow High School (Polling Center No. 040) in PS No. 28/01/040/10, six voters were waiting inside the Polling Station with the ballot papers in already their hands before going to the booths. There were only two booths and about six agents present inside the polling station.

Lowala (Polling Center No. 042), a religious school, built by Taliban, had more than 10 male Polling Stations there and the place of a one Polling Station was not more than 150 Square feet. In Polling Station No. 28/01/042/04, the staff used the permanent marker for voting. Yet, the markers were not placed at the booth, but given to the voters while going to the booth. In Polling Station No. 28/01/042/10, the staff used permanent marker for voting. A polling officer stated that although they had opened the station at 06.00 a.m., the voters started to come only after 07.00 a.m.



In Kunduz, the female polling stations started around 06.00 a.m., which meant that they were actually present at about 05.00 a.m. in order to be prepared. In some of the stations, there were many people present, these turned out to be the candidate's observers and local observers in the room, but during the voting time there were not many voters present. On the opening of



ANFREL Observer displaying a voters finger marked with ink

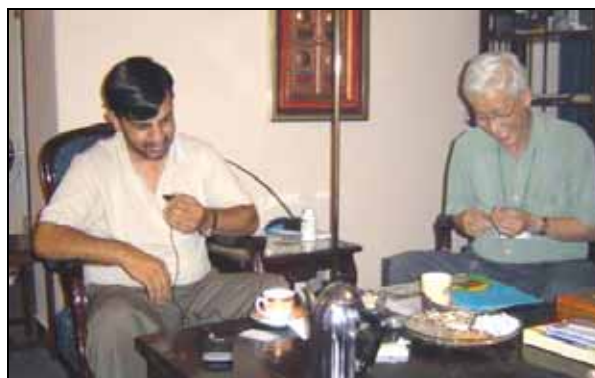
the polling station, the Chairman of the Polling Station did not show the empty ballot box to the witnesses, as there was no one around. Talking to some of the voters, it was found that some of the voters did not know how to vote, some did not know the candidate's numbers or symbols as there were so many candidates and so the officials had to explain the same to the voters again and again. Some of the women voters brought their children along, some of the women voters looked very young, but had their registration cards with them and most of the women voters needed approximately 3-4 minutes to vote.

In Sanggana village of Bazarak district in Panjsher, 80 percent of the people present in the Polling Stations were the agents of the candidates. Some of the women candidates did not have agents at all it was learnt. However, the registration ID cards were checked seriously, and their voter index fingers were inked before they cast their votes and their ballot papers stamped before being given to the voters. In some instance's the staff only allowed the voters to come inside the Polling Stations. In some Polling Booth's the staff was not ensuring the secrecy of the ballot and people around could observe the voters casting their votes.

Kuchi voters

In the Kuchi Polling Stations at Kalai Jaws mosque, which opened at 11 a.m., there were four Polling Stations for men. Arezo mosque had two Polling Stations for men and three Polling Stations were for women at the Department of Women's Affairs Office. Arezo Clinic had three Polling Stations for women, at Jehan High School there were seven Polling Stations. The Noghai Polling Station, designated as women's Polling Station was being handled by men, although there were two polling stations each for men and women. There was lack of women staff to manage the women's polling station.

In one of the three Kuchi Polling Station in Kohsan District in Herat province, the last count of voter while the observation team was present was around 13 votes cast by Kuchi female voters and 37 male Kuchi voters. There were not many Kuchis in the district



ANFREL Head of Mission having discussion with Kuchi candidate in Kabul.

and there were some Polling Stations near the Kuchi settlements.

In Jalalabad, some Kuchi voters went to the ordinary polling stations to cast their votes, as they did not know that they had to go to the special Polling Center/Stations. In some instances the Kuchi had to travel long distances to reach their polling stations.

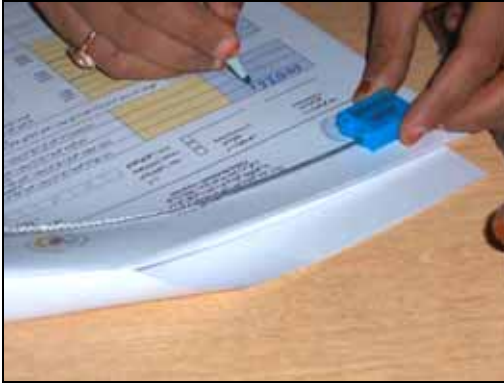
Kabul Kuchi voters did not know that they could not vote for non-Kuchi candidates. Some Kuchi went to vote for non-Kuchi candidates and the Polling Officials allowed them to vote. The observers learnt that some of the Kuchi leaders had taken the registration cards from the Kuchi voters before the polling day.

In Malarghi district of Kunduz, the Kuchi voters did not want to vote at the Kuchi Polling Station. Their reasons were that they were not Kuchi people and their voter's registration cards proved the same, and they did not even want to vote for any non-Kuchi candidate. In one of the Polling Station, the room was too small and the polling booths were put very close to each other was very low in height. The voter in one booth could clearly see the other casting their vote. The officials stated that there was not enough space for putting the booths and so they have to be put like that. Even though with all such explanations, ballot secrecy was violated outright. The voters were even talking among themselves as to whom the other was voting or how to vote. There were also many local observers in one of the Polling Stations and thus made the small voting room very crowded.

The Kuchi polling stations at Malarghi village had two polling stations for Kuchi males and females, which opened at 06.00 a.m. The officials had to explain to the voter about the voting process, as they did not have any knowledge about it. The Kuchi Polling Center (PC No. 055) near Dorhi, which was a few kms away from the city area, had three female and four male Polling Stations established under the temporary tents of UNHCR. Polling Station No. 28/01/055/05, didn't have the form P03, therefore no voting could take place in that Polling Station. Some of the Kuchi families living near to the Polling Center stated that they could not go to vote as the male member of the family's voter registration card (VRC) had already been collected by his leader and not yet returned to him. There were some women from the Kuchi Polling Station, who had come to request the women of the houses to come and vote but some of the women did not have their VRC. The team felt that the collected VRCs perhaps had been sold to a Kuchi candidate by their leaders and felt that most of the eligible Kuchi voters (more than 1000 estimated) would not be able to vote.

Closing Process

In Baghlan, some candidates had expressed and complained to the observation team that they (candidates) were present at one of the Polling Center. They had also observed the "intake" process of the Counting Center and were upset and worried about the security of the ballot boxes, which were remaining at the Polling Center. In the 22 Polling Stations in Fatemazaha High School it was noted that all 18 of the men's polling stations closed by 04.00 p.m. However about four women's Polling Stations closed a bit later than 04.30 p.m. even though there were no voters present in the queue. It was also noted that even though the boxes were sealed and ready by 05.00 p.m. to be sent to the Polling Center just 1 km away, they had not reached there even by 07.00 p.m. when the ANFREL team checked.



Seal number being registered

There was delay in closing the ballot boxes in the women's station in Kohsan District in Herat. However, in some of the polling stations there seemed some intentional delay in locking the ballot boxes in three out of the four regular women polling station in Kohsan High School Polling Center. During the closing of the station, one of the District Field Coordinator (DFC) followed the observation team and instructed the Polling Station No. 24/08/230/05 to lock the box with the steel key lock before packing other material. During this process the team was present and were and observing. However, the other three

women's Polling Stations in the same building received different instructions from him, checking all the materials before locking the ballot boxes. However, another observer, who visited the men's Polling Station in the same Center found no problem and the boxes were locked properly without delay.

In Jalalabad, some Polling Stations, at least four closed down at three in the afternoon (one hour early) – because no one had come to vote for a long time. In some cases at the closing time, the DFC went from station to station to announce the number of the seal to the candidate's agents before sealing the ballot boxes. This considerably slowed the process. In some cases after four in the afternoon, the Chief of the Polling Stations were not confident about the closing time and were even asking the observers when they should close the polling. There was no clock at the Polling Station for keeping time. Representatives of FEFA were largely present in all polling stations observed by ANFREL.

In some Polling Stations, the unused ballot papers were not packed properly but were kept in open boxes. It seemed that they would be transferred back to the Counting Center in open cardboard boxes.

In Khair Khana opening and closing was observed at Panjshad Family School. The first Polling Station opened at 06:30 a.m. and voting stopped exactly at 04.00 p.m. and the closing of the Polling Center started at 04:30 p.m. The staff at Polling Centers in this province performed their duties well and the voting commenced smoothly. However, there were more Candidate Agents and Domestic Observers (FEFA) than the voters during the opening of the Polling Centers/Stations. Overall security arrangement was superb in the entire Polling Center and the voting process was smooth and peaceful.



Observers arguing with polling staff during closing session

At Polling Center No. 01/01/293 Sarwar-E-Kainat Mosque, a complaint was lodged by a voter accusing the Polling official who distributed ballot papers of influencing voters by pointing his finger at a candidate's box and instructing the voter to mark their ballot there. The Chief of

the Polling Center argued it was a simple mis-communication. However after heated debate, which lasted for about 20 minutes, the Chief of the PC removed and replaced the Polling staff in charge of ballot paper.

During the closing process the center at the Teacher Training School of Kandahar (Polling Center No. 019), there were voters present who had come at 04.00 p.m. to cast their vote. The staff started to close the Polling Station at 04.15 p.m. upon receiving the instructions from the Polling Center Chairman. Some of the female staff did not have a clear understanding about filling out the forms. The staff first sealed the mouths of the ballot boxes and then put the materials and remaining ballot papers in two other empty boxes and sealed them. All these were then brought to a new room and put there. By 06.00 p.m. when the staff was about to seal the door, it was found that the lock was broken. The room in which the ballot boxes and materials were kept was the only room with unbroken windows. The security guard was then notified and asked to guard the room, while the staff waited for the JEMB to send their vehicle to bring the ballot boxes to the counting center.

In Kunduz, when the polling stations were to be closed, the officials did not know how to proceed and fill in the forms, etc., and the Polling Manager had to explain to them again about the closing procedure.

In Panjsher, at the Polling Station observed for closing, it closed on time and there was no queue when the station was being closed. The ballot boxes were closed properly in the presence of the agents and under the supervision of the Polling Station Manager. However, some of the local observers and the candidates' agents were not available to accompany the vehicle transporting the ballot boxes and the materials to the counting center.

V. Immediate Counting Procedures

The environment of the counting period for the first week (starting from 20th September) was relatively peaceful and order prevailed in most of the 11 provinces observed. The Counting Centers in many provinces were spacious and everyone could see what everyone else was doing. It was thus hard for anybody to do anything unlawful. There were many counting units inside the center, each unit had one supervisor and 6-8 officials. In Panjsher and Jawzjan, everything was reported to be orderly and good. Even though the counting process seemed to be complicated and many forms needed to be filled out, generally the counting setup made it easy for people to observe, except for some centers that were small and therefore crowded. In Herat, the Counting Center was located in the Airport. The Herat team observed that counting officers carefully reviewed all pages of the ballot papers to ensure that no other mark was present then announced separate ballot papers by columns. Tight security was in place in each center and around the counting site since there were concerns of attack by armed groups.

Counting Process

It was mostly observed that the counting process kicked off rather slowly with many counting staff having little or nothing to do during the first and second day. At Ghazni Counting Center, even by the third counting day (Sept 22), counting staff still arrived late at 9.30 a.m. and were taking it easy and conducting their task slowly.

Many of the staff came only about 09.30 a.m. and didn't work after 04.30 p.m., raising doubts if the counting staff would be able to finish the counting within the first week of October as scheduled. With no clear explanations as to why the work was progressing slowly it was

alleged by some that most of the counting staff were relatives and family members of local JEMB staff. Since most of the counting staff were paid US 15 dollars a day, a considerable sum in Afghanistan, where many government officials gets paid US 50 dollars per month, it was considered that monetary benefit thus gained by the delay was one of the reasons.



Counting center in Herat

All officials in Chagcharan (Ghor) were aware of their role in the process and were clear about its procedure and fully concentrated on their jobs. Yet, the observers found that some counting staff in Ghazni did not even know how to count. Some of them put wrong numbers while others counted the wrong candidate number. Some candidates were very angry

with this and two of them nearly ended up in a fight with some off the counting staff. One supervisor in Ghazni was sacked on Sept 22 for illegally adding votes for her favored candidate at the counting center.

Counting in Kabul went slowly on the first day. At 5.30 p.m., counting had just begun at one of the tables and since it was the only table working many observers gathered round them to watch. At other tables, the counting staff, were seen sitting idly. Things also began slowly in Herat City, and although counting staff, were seen sitting and doing nothing, staffs in some tents that the team visited were told that they're done with their task for the day. Similar situations were observed in Kandahar, Chagcharan, Mazar-e Shariff and Kunduz.

In Jawzjan province, observers tried to find the factors behind the slow progress. The first factor was attributed to havoc caused by candidate agents on the first two days of the counting. "All of the agents wanted to enter the Counting Center and they were not cooperating with the JEMB staff." A second factor was due to the inefficiency of the Counting Center Staff and Counting Center Manager. What's more, the condition inside the Counting Center was too hot and the staff felt very uncomfortable while working. "Fans were put in the hall but it created another problem. The wind from the fans was too strong and blew the ballot papers away from time to time."

In Jalalabad, some candidate agents were seen intervening with the counting process. "When they have some confusion they tried to touch the ballot papers and wanted to check. The agents were also arguing with the counting staff and this affected the counting process," the team stated.

However, there was a suggestion from Balkh province that the counting for Wolesi Jirga and Provincial Council should be carried out separately and at different locations and not at the same



Official carrying marker pen in the counting center which is violation of rule

time and at the same place. This only caused lot of local observers, candidates and their agents to be present in the Counting Center and create confusion. Thus the candidate's representatives were unable to observe properly and thus added to the delays and further tensions.

Wasted Ballots

The situation was especially severe in Ghazni, where the ballot boxes that were set aside for further investigation kept on mounting and exceeded a hundred boxes by September 23, 2005. The staff stated that the boxes would be examined separately by the election officers. Some of the problems were due to the discrepancy between the numbers of ballot papers stated in the forms, which did not tally up with the number of ballots in the boxes. Seals in some boxes were found broken and some wrong seals were used. In some instances, ballot papers were not correctly marked while some were not marked at all. Many counting mistakes apparently took place in Ghazni.

In Jawzjan province, there were incidents observed where the counting staff mixed the invalid and valid ballots together, although the intention was unclear. The team also noted that managers at the Counting Center seemed "incapable of controlling the counting staff."

Some ballot papers in Herat showed ink marks that seeped through from one page to another. The supervisor at the center had stated that they would later determine its validity, however. At least three ballot boxes in Jalalabad contained ballot papers, which were not properly folded with candidate's faces shown up front. In Mazar-e Shariff, a female counting staff apparently used her lipstick to mark ballot papers for a particular candidate that made the ballot invalid. In Panjsher and Kabul, no broken seal were reported.

Complaints

Although some complaints were made in some areas, proving the validity of the complaints will require time and honest efforts on part of the Election Complaint Commission. Complaints about alleged partiality of polling and counting staff had been reported from places such as Jalalabad, Herat, Kunduz and Kandahar. In Kandahar, many candidates accused JEMB of recruiting local staff that were family members and relatives of some candidates and alleged that these staff had been supporting the candidates in numerous ways since the beginning of the campaign. "It seemed clear to us that those candidates have no faith in either UNAMA or JEMB when it comes to their neutrality," the observation team stated and noted that about 25 candidates, including three female candidates, had reportedly aired their grievances. Many complaints launched by candidates in Kunduz centered around the ballot boxes, "on why ballot boxes were kept at polling stations over night". Some candidates alleged that some of the counting staff were acting as agents of some candidates. The Counting Center managers denied this allegation; the observers were however, unable to verify the information further.

Herat observers found that 1,200 ballot papers went missing and it was later discovered that they were sent to another PC in Karukh district. JEMB Herat External Affairs Officer was notified about the incident for perusal at his end. In Chaghcharan, the nature of the complaints pertained to the voters being coerced by some candidates to vote for them.

Security

Heavy security deployment was observed in all the 11 provinces. Security around Counting Centers at various provinces was very tight and the premises heavily guarded. In Herat, KROLL was responsible for searching all the trucks that came into the Counting Center before getting unloaded and passing intake processes. The compound of Ghazni Counting Center, was “completely barricaded” with more than 100 police on duty along with many security staff. Trucks carrying ballot box were also heavily guarded.



Security checking of voters

Despite the heavy security which included sniffing dogs to detect explosives, two rockets landed near the Kabul Counting Center on September 19 and on September 24. Ghazni's Counting Center also experienced four rocket attacks on early morning of September 25 although the rockets missed the target and no one was injured.

In Kunduz, on September 22, the Afghan Army discovered 5 rocket propelled grenades lying about 500 metres from the Counting Center and two men were subsequently arrested. These raise concerns about safety of the counting centers and all the people in the vicinity in the days to come.



Ballot boxes at the counting center in Herat

VI. Post-Election Situation

Counting Process

Counting process had become more efficient in some areas although many areas still faced problems of inefficiency.

In Kunduz, the second-week counting was reported to be under control and taking place at a much faster pace with 75 per cent of the votes counted by Thursday September 29. The Counting

Management decided not to make any provisional results available to the public at the Counting Center for fear of fighting amongst the candidates.

The process in Kandahar was also swifter than before. Counting Staff told the observers that they hoped to be able to finish it before the Ramadan holidays began on October 4. Panjsher Counting Center noted change in the set up which looked more transparent than the previous week.

In Chagcharan, counting finished a day before the scheduled date of October 1st 2005. All counting staff reportedly abided by the rules and everything proceeded smoothly. Counting was also relatively fast in Balkh province, where staffs became familiar with the process by

the second week. Herat observers felt that more effective management of ballot boxes was needed as well as better training for the counting staffs to improve their efficiency and their work. As of September 30, only 6.7 per cent of the counting results were shown on JEMB website although the counting was 20 per cent over.

The Kabul team, NGOs and the candidates complained that they could not check the summary results from the website for four days and nobody had seen the updated summary results announced at the Kabul counting center.

The same problem took place in Jawzjan when observers reported that several candidates have lost their trust in the counting process. The results were not posted on time and candidates questioned if there was some foul play occurring. Fourteen complaints were made, some candidates even stopped dispatching their agents to the Counting Center stating they won't accept the result if the problem persists. Amidst the confusion and uncertainty, violence erupted amongst candidates and on the morning of September 24, the counting was halted for half a day. The Provincial Election Officer (PEO) urged candidates to refrain from violence and decided to change the Counting Manager. The action succeeded in appeasing candidates and the counting process became better and the counting finished by the end of September.

Some agents complained that they were not able to see the counting process as in some instances it was done at the back of the center.

Some confusion occurred at Baghlan province, where many counting staff were not wearing special jacket and got mixed up with candidates' agents. Agents were also seen freely walking around inside the Counting Units, which increased the possibility of cheating and irregularity. This was solved by September 27th 2005, when two external officers from Kabul arrived to clear up the mess, which included banning counting staff from carrying pens inside counting center.



Counting officers waiting for ballot papers to be counted.

Counting at Ghazni province progressed slowly. On September 24, only four ballot boxes were counted on that day. The observers felt that the slow progress was due to the fact that, first, the counting staff arrived late and departed early; second, many observers and candidates congregated there (there were as many as 130 at one time) disturbing the counting staff with some asking questions which was against the regulations; and third, the procedure in handling the ballot boxes were regulated by many forms that needed to be filled up by the supervisor. By September 26, the counting pace picked up and seven ballot boxes were counted on that day.

Performance of the Electoral Management (JEMB) and Counting Staff

Many complaints had been received from most of the areas observed except in Panjsher where all counting staffs seemed to understand their role and had a good counting where the count was announced in front of people. The same cannot be said of many other areas.

In Herat, JEMB was accused of hiring relatives of some candidates as counting staffs. Some candidates and agents expressed their worries about what may happen to blank ballot papers. Philipa Neuve, JEMB External Relations Officer in Herat, explained to the team that hiring counting staff related to some candidates was unavoidable in Herat as extended family was a norm in Afghanistan and due to the low literary level, the pool of able (literate) counting staff was very much limited.

Nevertheless, Mr. A. Abu Diek, Head of UNAMA Regional Office in Herat told the observers that: "There is an atmosphere of distrust amongst candidates against JEMB national staff. Another important issue is the lack of understanding about the electoral system amongst candidates – many candidates don't follow and do not understand the process."

Orders were given to collect all pens from national staff to prevent possible marking of empty ballot papers or invalidating the valid papers only on September 25, nearly a week after the first counting day. Due to numerous complaints and rumors about irregularities, JEMB Herat decided to make a complaint box available on September 26. However, many candidates and agents told the observers that their earlier complaints were not responded to and so they didn't want to file any complaints again.

Some observers tried to contact the Provincial Electoral Commission (PEC) on September 27 to 29 but met with no success. "If PEC does not improve its communication to candidates and observers as well as the public in general, it could create an atmosphere of distrust on the whole process of JEMB electoral management," was the conclusion drawn by some of the observers.

Such atmosphere of distrust was also reported from Baghlan province, where some well-known candidates stated that they had lost their trust in the neutrality of the counting staff, after a few incidents of alleged fraud were discovered. The responses to complaints were very slow but a few staff had been fired. In one case, a counting staff was found marking up the score of one candidate from 17 to 78, but no official punishment was meted, while the suspect simply escaped and never showed up again. Another alleged fraud was discovered at counting unit number 17 where a female counting staff allegedly marked 12 blank ballot papers and counted five invalid papers as valid but no punishment was given. Some of the observers were trying to arrange a proper interview with the Counting Manager (Mr. Valentine) to question about the few reported cases in details, but met with no success till their last try on September 30th 2005. PEC in Baghlan had received 47 complaints, many regarding alleged partiality of counting staffs.

In Kunduz, one counting staff was forced to resign on September 25 after he was caught marking blank ballot papers. In Ghazni, one supervisor was caught with the same offense and was asked to leave despite JEMB insistence that counting staff were chosen with great care. A similar case occurred in Balkh province where on September 27, a female counting staff was caught using her eyebrow pencil to mark blank ballot papers. She was fired on the spot and the counting unit was dissolved into other units. Unmarked ballot papers were properly stored in a safe area in Kandahar.

Chaos broke out at table 42 of Kabul Counting Center on September 27 at 11.25 a.m., when several agents protested because votes from three ballot boxes suspiciously went to only one candidate (Ahmad Shah Ahmadzai). Counting staff did not follow the instruction from the quarantine supervisor and kept on counting the votes until the foreign quarantine supervisor showed up and shouted at them.

Some agents and voters repeatedly cited their discontent towards the JEMB and the PEC in Chagcharan, saying that they had filed complaints but hadn't received any reply. Some JEMB staff in Jalalabad requested for the ballots marked with red ink to be considered valid, despite the fact that only blue or black markers were supposed to be used, citing that these could have been used mistakenly. The team in Jalalabad suggested JEMB to adhere to a clear rule about the issue to prevent possible fraud in the future.

Candidates, observers, agents and PEC members were very unhappy with the performance, treatment and manner of the Counting Center Manager (CCM) in Kandahar. The observers also filed a complaint to JEMB head office in Kabul.

Quarantined and Wasted Ballot Papers

In Ghazni, where 150 ballot boxes had been quarantined, many problems were discovered. Some seals had been changed or broken. Some seal numbers did not match with the records on the written form. Some boxes appeared to have been tampered with, while some were simply broken. Wrong code numbers were written on some boxes. Some ballot papers were folded in a neat bundle of five or six papers, a clear sign of fraud. Tedious cross-checking process was underway in Ghazni, 100 boxes were feared to be rigged. Jan Landscheidt, Counting Officer-in-charge admitted that "things were getting worse and worse".

In Kabul, the team reported that about 40 quarantined ballot boxes came from Paghman district alone. Most of the ballot boxes from the district seemed to have problems. In Herat, 22 ballot boxes were quarantined on September 27 alone. Many markings on ballot papers in Panjsher appear to be identical. Although the counting in Jawzjan province was done by September 30, there were still 12 quarantined boxes left. Eight out of the 12 boxes contained neatly folded ballot papers one on top of the other. Some ballot papers were also marked twice with different pens. In Chagcharan, due to low literacy rate amongst Kuchi voters, various invalid marks were found on many ballot papers such as dots, patterns and even love notes next to some female candidates' photographs. Fraudulent ballot papers appeared to have accounted for 15 per cent of all papers in the province.



Observer team in Baghlan suggested that blank ballot paper be handled carefully because some partial and corrupt staffs would mark it for his or her candidate. Although no red markers were supposed to be used at polling station, red-marked ballot papers were still counted as valid in the province. Thirty-three ballot boxes had been quarantined in Baghlan so far but the numbers were likely to increase. As far as the unintentional wasted ballot papers were concerned, the team posited that many were wasted as, first, some voters voted for disqualified candidates as they did not know about the disqualification; second, some

were left blank; third, some voters changed their mind and scratched the paper surface of the candidate they first voted for and marked their vote for another candidate, thus making it

invalid. For Sherbegan counting center, 400 quarantined ballots papers from polling stations at Faizabad are marked in the same manner for one specific candidate.

Ballot papers marked with red pens, were also discovered in Kunduz and 12 of them went for one single candidate and were placed under quarantine. Many ballot papers in Kunduz were not marked, some voters apparently decided not to vote for anyone. Some of the voters whom the observers spoke to said they went to the polling station, but voted for no one because they don't believe in any of the candidates and some were warlords.

Security

Although security was tight in all the areas, attacks took place in five of the 11 provinces with Kabul and Balkh provinces facing severe incidents and the situation remained precarious. On September 28, one suicide bomber attacked people in front of the Afghan National Army (ANA) compound on Jalalabad Road, killing nine people and injuring 38. The ANA compound, which was close to Kabul Counting Center, was located on the same road. Kabul's Counting Center had reinforced its bunker even before the suicide bomber due to earlier rocket attacks.

Ashraff Ramazon, a leading candidate, was assassinated in Balkh province after he left the Counting Center on September 26 at 05.30 p.m. Ramazon, a rich candidate, was shot twice in his car just minutes after leaving the Counting Center. Ramazon was amongst the two leading candidates when he was killed. The incident scared away candidates and agents from going to the Counting Center on the following day. The motive of the killing was unclear, however. Dr Sima Samar, Chairperson of Afghanistan Human Rights Commission (AIHRC), stated to the observers that in Kabul however, she believes that all killings of the seven candidates so far were election related.

In Ghazni, four rockets were fired from the Pakistani border towards the Counting Center on September 25 at 05.30 p.m. but fell short of the target and no one was injured. As for Kunduz province, police found improvised explosive device (IED) on Khannabad Road. In Jalalabad, a vehicle belonging to UN Office Project Services (UNOPS) was hit by an IED and one international staff was severely injured. A week earlier, one private fuel tank was attacked with two rocket-propelled grenades in the same area. On a different note, in Chagcharan, the election has been 'extremely peaceful', according to the observation team.

VII. Electoral Results and Outcomes

Available Seats in the WJ and PCs

Province	Wolesi Jirga Seats			Provincial Council Seats		
	Total Seats (number in brackets indicates reserved seats for women)	Male Candidates	Female Candidates	Total Seats (number in brackets indicates reserved seats for women)	Male candidates	Female Candidates
TOTAL	249 (60)	230	19	429 (124)	277	152
Badakhshan	9 (2)	80	9	15 (4)	67	11
Badghis	4 (1)	31	5	9 (3)	40	3
Baghlan	8 (2)	97	14	15 (4)	104	6
Balkh	11 (3)	100	16	19 (5)	103	15
Bamyan	4 (1)	47	7	9 (3)	59	9
Daikundi	4 (1)	48	5	9 (3)	87	6
Farah	5 (1)	44	3	9 (3)	52	4
Faryab	9 (3)	72	10	15 (4)	62	7
Ghazni	11 (3)	119	12	19 (5)	114	9
Ghor	6 (2)	50	8	15 (4)	41	6
Helmand	8 (2)	78	6	15 (4)	110	7
Herat	17 (5)	144	18	19 (5)	163	31
Jawzjan	5 (1)	31	8	9 (3)	49	11
Kabul	33 (9)	340	50	29 (8)	185	32
Kandahar	11 (3)	94	11	15 (4)	114	6
Kapisa	4 (1)	37	6	9 (3)	46	6
Khost	5 (1)	81	10	9 (3)	117	4
Kunar	4 (1)	57	8	9 (3)	120	3
Kunduz	9 (2)	77	15	15 (4)	79	10
Laghman	4 (1)	57	8	9 (3)	93	6
Logar	4 (1)	49	11	9 (3)	50	3
Nangarhar	14 (4)	161	18	19 (5)	285	4
Nimroz	2 (1)	16	4	9 (3)	28	3
Nuristan	2 (1)	18	6	9 (3)	25	3
Paktia	5 (1)	81	5	9 (3)	89	5
Paktika	4 (1)	58	4	9 (3)	94	4
Panjshir	2 (1)	17	4	9 (3)	34	4
Parwan	6 (2)	48	8	15 (4)	64	5
Samangan	4 (1)	34	5	9 (3)	53	5
Sari Pul	5 (1)	35	7	9 (3)	39	4
Takhar	9 (2)	84	13	15 (4)	91	7
Uruzgan	3 (1)	17	2	9 (3)	31	0
Wardak	5 (2)	60	9	9 (3)	58	7
Zabul	3 (1)	19	3	9 (3)	33	2
<i>Reserved for kuchis</i>	<i>10 (3)</i>	<i>62</i>	<i>7</i>	<i>NA</i>	<i>NA</i>	<i>NA</i>

Source: Reynolds Andrew, Jones Lucy and Wilder Andrew, *A Guide to Parliamentary Elections in Afghanistan*, Afghanistan Research and Evaluation Unit (AREU), Kabul, August 2005

The provinces where ANFREL observers had a chance to observe, interact with the locals people, get their feedback and also observe the election proceedings had the following results declared by JEMB.^{liii}

Baghlan

Capital: Pul-i-Khumri

Number of Registered Voters: 386,713

Wolesi Jirga: Total Seats: 8 Women's Seats: 2	Provincial Council: Total Seats: 15 Women's Seats: 4
--	---

Wolesi Jirga Results Female Turnout: 37.4% Male Turnout: 62.6% Valid Ballots: 94.1% Blank Ballots: 2.2% Invalid Ballots: 3.7%	Provincial Council Results Female Turnout: 37.2% Male Turnout: 62.8% Valid Ballots: 91.9% Blank Ballots: 4.3% Invalid Ballots: 3.8%
---	---

Ghazni

Capital: Ghazni

Number of Registered Voters: 745,225

<u>Wolesi Jirga:</u> Total Seats: 11 Women's Seats: 3	<u>Provincial Council:</u> Total Seats: 19 Women's Seats: 5
--	--

Wolesi Jirga Results Female Turnout: 54.8% Male Turnout: 45.2% Valid Ballots: 97.8% Blank Ballots: 1.2% Invalid Ballots: 1.0%	Provincial Council Results Female Turnout: 54.9% Male Turnout: 45.1% Valid Ballots: 96.9% Blank Ballots: 2.0% Invalid Ballots: 1.1%
---	---

Herat

Capital: Herat

Number of Registered Voters: 824,722

<u>Wolesi Jirga:</u> Total Seats: 17 Women's Seats: 5	<u>Provincial Council:</u> Total Seats: 19 Women's Seats: 5
--	--

Wolesi Jirga Results

Female Turnout: 48.6%

Male Turnout: 51.5%

Valid Ballots: 91.6%

Blank Ballots: 3.2%

Invalid Ballots: 5.2%

Provincial Council Results

Female Turnout: 48.5%

Male Turnout: 51.5%

Valid Ballots: 89.8%

Blank Ballots: 5.1%

Invalid Ballots: 5.1%

Jowzjan

Capital: Sheirghan

Number of Registered Voters: 218,548

<u>Wolesi Jirga:</u> Total Seats: 5 Women's Seats: 1	<u>Provincial Council:</u> Total Seats: 9 Women's Seats: 3
---	---

Wolesi Jirga Results

Female Turnout: 43.1%

Male Turnout: 56.9%

Valid Ballots: 91.9%

Blank Ballots: 3.5%

Invalid Ballots: 4.6%

Provincial Council Results

Female Turnout: 43.1%

Male Turnout: 56.9%

Valid Ballots: 91.0%

Blank Ballots: 4.3%

Invalid Ballots: 4.8%

Kabul

Capital: Kabul

Number of Registered Voters: 1,193,472

<u>Wolesi Jirga:</u> Total Seats: 33 Women's Seats: 9	<u>Provincial Council:</u> Total Seats: 29 Women's Seats: 8
--	--

Wolesi Jirga Results	Provincial Council Results
Female Turnout: 29.2%	Female Turnout: 29.5%
Male Turnout: 70.8%	Male Turnout: 70.5%
Valid Ballots: 95.5%	Valid Ballots: 93.0%
Blank Ballots: 1.9%	Blank Ballots: 5.0%
Invalid Ballots: 2.6%	Invalid Ballots: 2.0%

Kandahar

Capital: Kandahar

Number of Registered Voters: 744,952

<u>Wolesi Jirga:</u>	<u>Provincial Council:</u>
Total Seats: 11	Total Seats: 15
Women's Seats: 3	Women's Seats: 4

Wolesi Jirga Results	Provincial Council Results
Female Turnout: 23.7%	Female Turnout: 24.2%
Male Turnout: 76.3%	Male Turnout: 75.8%
Valid Ballots: 94.6%	Valid Ballots: 93.8%
Blank Ballots: 3.2%	Blank Ballots: 3.9%
Invalid Ballots: 2.2%	Invalid Ballots: 2.3%

Khost

Capital: Khost

Number of Registered Voters: 336,125

<u>Wolesi Jirga:</u>	<u>Provincial Council:</u>
Total Seats: 5	Total Seats: 9
Women's Seats: 1	Women's Seats: 3

Wolesi Jirga Results	Provincial Council Results
Female Turnout: 47.1%	Female Turnout: 46.6%
Male Turnout: 52.9%	Male Turnout: 53.4%
Valid Ballots: 98.2%	Valid Ballots: 98.2%
Blank Ballots: 1.3%	Blank Ballots: 1.3%
Invalid Ballots: 0.5%	Invalid Ballots: 0.5%

Kunduz

Capital: Kunduz

Number of Registered Voters: 402,195

<u>Wolesi Jirga:</u> Total Seats: 9 Women's Seats: 2	<u>Provincial Council:</u> Total Seats: 15 Women's Seats: 4
---	--

Wolesi Jirga Results

Female Turnout: 41.6%

Male Turnout: 58.4%

Valid Ballots: 93.3%

Blank Ballots: 3.7%

Invalid Ballots: 3.0%

Provincial Council Results

Female Turnout: 41.7%

Male Turnout: 58.3%

Valid Ballots: 92.3%

Blank Ballots: 5.1%

Invalid Ballots: 2.6%

Nimroz

Capital: Zaranj

Number of Registered Voters: 85,562

<u>Wolesi Jirga:</u> Total Seats: 2 Women's Seats: 1	<u>Provincial Council:</u> Total Seats: 9 Women's Seats: 3
---	---

Wolesi Jirga Results

Female Turnout: 40.8%

Male Turnout: 59.2%

Valid Ballots: 92.6%

Blank Ballots: 3.1%

Invalid Ballots: 4.3%

Provincial Council Results

Female Turnout: 40.8%

Male Turnout: 59.2%

Valid Ballots: 89.9%

Blank Ballots: 5.7%

Invalid Ballots: 4.4%

Paktika

Capital: Sharan

Number of Registered Voters: 500,719

<u>Wolesi Jirga:</u> Total Seats: 4 Women's Seats: 1	<u>Provincial Council:</u> Total Seats: 9 Women's Seats: 3
---	---

Wolesi Jirga Results

Valid Ballots: 99.3%

Blank Ballots: 0.4%

Invalid Ballots: 0.3%

Provincial Council Results

Valid Ballots: 99.1%

Blank Ballots: 0.7%

Invalid Ballots: 0.2%

Panjsher

Capital: Bazarak

Number of Registered Voters: 139,397

<u>Wolesi Jirga:</u> Total Seats: 2 Women's Seats: 1	<u>Provincial Council:</u> Total Seats: 9 Women's Seats: 3
---	---

Wolesi Jirga Results Female Turnout: 58.6% Male Turnout: 41.4% Valid Ballots: 97.5% Blank Ballots: 1.2% Invalid Ballots: 1.3%	Provincial Council Results Female Turnout: 58.4% Male Turnout: 41.6% Valid Ballots: 97.1% Blank Ballots: 1.4% Invalid Ballots: 1.6%
---	---

Kuchi voters

Number of Registered Voters: 534,105

<u>Wolesi Jirga</u> Total Seats: 10 Women's Seats: 3	<u>Kuchi Results</u> Valid Ballots: 97.8% Invalid Ballots: 1.4% Blank Ballots: 0.9%
---	---

As per the JEMB, the Kuchi's were given a separate Polling Station to vote for their representatives.^{liv} Detailed reports are also available at the JEMB webpage on <http://www.results.jemb.org/home.asp>

VIII. Recommendations for Electoral Reform and Strengthening Afghan Democracy

Asian Network for Free Elections (ANFREL) appreciates JEMB and all Afghan people who, with their good intentions to improve Afghanistan's politics and to strengthened democracy, contributed through various activities during the elections. ANFREL observers were happy to see JEMB generosity in providing good facilities, accreditation for international observers as well as enough security for conducting their election monitoring in the capital and in the provinces.

It also appreciates the media program that provided candidates' airtime and allowed them to introduce themselves with the policies by local radio. Observers have had a good opportunity to observe civic education, polling materials and so on. The team learnt about the good electoral system for quotas for women and Kuchi. Meanwhile, ANFREL has learned how in a post conflict situation the country has managed to organize elections. The experience of working with UNAMA has also given us a global picture on the ground.

ANFREL shares its points to contribute towards the future democratic development brought forth from the observations in the 11 provinces. The points outlined are for the consideration

by the JEMB, IEC, the growing Civil Society groups and the people of Afghanistan for any future electoral development.



Press Conference at Heetal hotel in Kabul on 21st September, 2005

Registration Process

- A national census and an identification card are essential components for Afghanistan's future voter registration process. Having an ID card will benefit both the people and the government to have official documents and contribute to security control.
- Having an ID card and census will allow the IEC to provide voters' list for all districts. A voters list will allow provinces to be divided into smaller constituencies and allow for more direct local representation for constituents. Smaller constituencies would also make it easier to have re-elections if necessary.
- The inking process of voter's fingers on Election Day continues to be essential to prevent voters from voting more than once.
- ANFREL believes that all voters, including women, should be required to put their photos on the ID card. Since this is very sensitive culturally, it will be necessary for leaders and government to explain to Afghan people and their families the importance of having a photo ID card.
- The voter registration period should be longer than one month.
- IEC should post the voters' list 15 days before the election for voters to know if they are registered and where they should go to vote.

Registration of Candidates and Parties

- The candidates' backgrounds must be carefully checked before certification by the IEC.
- Having candidates in the election who are known by the public to have links to illegal armed forces, could create cynicism and distrust by the voters and discourage them from participating in the electoral process.
- The IEC should have the capacity to disqualify candidates after the election if there is enough evidence found that a candidate currently has armed militia, is a warlord, is corrupt, a convicted criminal, etc.

- IEC should be empowered to disqualify the candidate after the ECC finishes their term. ECC should transfer the cases to IEC.
- IEC should be a permanent body.

Recruitment of Electoral Officers and Polling Officers

- Electoral and polling officers must be carefully recruited, especially the head of polling stations, head of district PC, and officers at provincial level. The IEC must review the recruitment method and put a new article in the election law stating that any officer who breaks the law or code of conduct or is not impartial will be punished. IEC need to give this message to all officers before they begin their work. Polling officers and counting officers should not come from relatives of candidates.
- Recruitment process for electoral officials should be advertised with the required qualifications, so that the hiring is transparent and democratic.
- To avoid ballot stuffing, vote cheating and irregularity, IEC may shift polling and counting officers from one province to work at another province.
- Polling officers need to be well-trained and it is important to recruit good and experienced officers to work in future elections.

Campaign Process

- All parties and candidates must adhere to the campaign regulations, which are provided in the law. The law must outline and add more details of what candidates/parties can do and can not do such as defining about gift-giving, vote-buying, campaigning in the mosques, defacing campaign posters, etc.
- Legal sanctions/disqualification must be enforced upon those who break the election laws, rules and regulations. Sanctions should affect their future political rights for a certain period.
- Equal access to media and radio program for all candidates must be provided by IEC.
- IEC should continually audit campaign expenses and should enforce campaign expense limits.
- The number of supporting signatures required for a candidate's nomination must be increased, it would facilitate in reducing the numbers of candidates running for election and will also encourage a political party system.

Civic Education

Continuous civic education is necessary to be put in school curriculum, for voters and for those who work for electoral bodies as well as government officers. There should be more civic education focusing on women and Kuchi people using strategies that would effectively reach them. The education must comprise:

- What are the advantages of democracy? What is freedom of choice? How democracy can bring improvement in the life of Afghan people?
- How can democracy reduce the violence and bring peace to Afghan society? How to discuss issues peacefully in parliament without conflict?

- Why do we (Afghan people) need to have elections and why the vote of an individual can make a difference?
- Why do the people need to go out to vote?
- What is the role of voters, candidate agents, poll officers, NGO's and media in elections?
- What is the importance of neutrality for government officers?
- What is the importance for voters to keep their card with them and not to sell them or give to others?
- If they lose their voter cards, why is it important to apply for the new card?
- What is vote buying and why it could build up a culture of massive corruption in the country?

Cooling Period

- All posters and campaign materials must be effectively removed from the area inside and around the polling stations.
- To maintain equal opportunity for all candidates, authorities should monitor if there are any campaign activities during the 48 hours before the elections and must disqualify those who violate the regulations.
- Cooling period should be the time for polling officers to rehearse their duties and roles regarding the process on the polling day and counting day.

Polling Day and its process

- Ballot papers should provide a space for voter to mark if they do not want to vote for any of the candidates. Those who do not want to vote for any of the candidates might want to show that they do not like any of the candidates, but still want to exercise their right to vote. This can also prevent someone else from impersonating the voter who otherwise might choose not to vote. This would also prevent the blank ballot papers to be used illegally.
- The candidate's list must be posted in front of every PS.
- To make it easier for people to vote, the IEC should increase the number of PCs.
- Make sure that all processes inside the polling stations are followed, i.e. checking of all fingers on both hands, comparing the voter's face to the photo on the card, not to allow 2 or 3 persons to go to the same booth together.
- Re-elections must be done if there are some serious election issues, e.g. ballot-stuffing problems that resulted in so many quarantined ballot boxes.
- PS Chiefs should be mandated to solve immediate problems: i.e. Re-set up the PS if they find it is too dark.
- Candidate agents must not be allowed to influence voters.
- Kuchi people should vote in the same polling stations as other Afghan men and women.
- Female polling stations must be of the same standard as male polling stations.
- Temporary polling stations should be set up during election time and the use of private houses must be avoided as polling stations.

- The list of disqualified candidates should be posted outside the polling station.
- Prisoners must be allowed to vote. ANFREL found that most of Afghan prisoners in each province came from the same province they were imprisoned. Learning from Indonesian prisoner voters, the majority of them whose residences are in the province must be able to vote.

Counting Process

- Due to current security problems, counting was not possible at polling stations. Counting should be considered for the district level. Ballot boxes could be transported from PS to the CC on the same day, so there would be no need to leave the ballot boxes overnight at the PS with the extra security that would be required.
- IEC/JEMB should be held accountable about the problem of ballot-stuffing that occurs in the counting process and be given enough power to make appropriate regulations to prevent ballot-stuffing or other counting process problems. Alternative solutions could include re-voting in problem areas.
- Since not many local people have access to Internet and other IT's or to JEMB website. JEMB must provide the prepared summary results for all the Provincial Counting Centers so that these can be posted at the respective notice boards; this will facilitate the candidate's, their agents and observers to see the most updated results every day.
- IEC should use local newspapers / radio / TV to announce daily results in each province more effectively.
- The ballot marking pen and ink color must be the same all around the country.
- Disqualified or blank ballots should be stamped, so that they cannot be used for illegal voting after the polls have closed. Fraudulently at the source of the ballot.

Women's Issues

- Candidates and others who try to stop women candidates from competing in the elections must be punished and if required disqualified.
- Capacity building of WJ/PC female members is needed.
- Women's parliamentarian / provincial councils should be established to raise women's issues or cooperating with male members for some policies / program / legislation.

Kuchi Issues

- To harmonize Afghan society and reduce discrimination, the rights of Kuchi in election must be equal to other Afghans in all levels. They should have the right to vote at the same station as other voters.
- The law should keep the seat quota for Kuchi people and should not be changed.
- If they are capable enough to do the work, Kuchi MPs must not be ignored for any position in the parliament or Ministry. (Kuchi MPs should be supported to chair some positions in the parliament or ministry)

Local Organizations, Press and Media

- Local organizations such as FEFA should engage with the media to highlight relevant crucial issues, which point out the problems and obstacles to democratic development, and free and fair elections. It is necessary to have local organizations to check and balance with the government.
- The new government must respect the three freedoms (freedom of expression, assembly and association) of civil society.
- For the benefit of the Afghan civil society, the press and media should adhere to their professional standards. Partiality and self-censorship will undermine the credibility of the press in the future.

Warlords and other members of Parliament

- For the sake of Afghan people, the warlords who were not disqualified and who won election should lay down their arms completely and conduct their parliamentary duties professionally, effectively and with responsibility and accountability.
- All members of parliament must be aware of their roles as the people's representatives, as well as knowing how to serve the country and democracy within the framework of the Afghan constitution.

Senatorial Elections

- All members of the upper house should be elected because appointed members risk becoming tools of those who make the appointments.
- In order to distinguish the Upper House and Lower House members, senatorial candidates should not be affiliated to any political party. Their electoral campaigns must be limited and they should only be allowed to introduce their names and backgrounds only.

Legal Recommendations

- 14.1 There should be by-election in case a seat in the Wolesi Jirga or the Provincial Council falls vacant due to any reason.
- 14.2 It should be clear as to what constitutes the provincial administrations. The relationship between the provincial council and other institutions of a democracy are not clearly laid down in the Constitution. For example:
 - What is the relationship between the National Assembly and the Provincial Council – apart from the fact that the provincial council elects the members of the upper house of the national assembly?
 - Is the advice of the provincial council binding upon the provincial administration?
 - Do the members of the provincial council have any rule making power?
 - Is the district assembly's part of the provincial administrations?
 - Who can act as a check upon the members of the provincial council – apart from people deciding not to elect them in the next elections?

- The law should be clear that the provincial council is the legislative body and that provincial governor is the executive body and that the governor is accountable to the provincial council.

14.3 Art 52(7) says that the ECC shall discontinue its work no later than 30 days following the certification of results. If the ECC dissolves within 30 days – then it can also be said that it does not have to be accountable to anyone. The judicial system of Afghanistan seems to be based on the common law system – with the Supreme Court being the highest court in the country. In such case the final appeal against the decision of the ECC should lie before the Supreme Court. The ECC should be a permanent body with a fixed term. The Law should also mention the grounds on which a member of ECC can be removed from office.

14.4 The PEC members should not be recruited and appointed from their home provinces. This will help to improve the perception of neutrality and help to prevent threats against PEC members from any threat to life while performing their election duty.

IX. ANFREL: Background, Objectives to Monitoring

Background

The Asian Network for Free Elections (ANFREL) was established in 1997. As Asia's first regional network of civil society organizations, it strives to promote and support democratization at national and regional levels in Asia. Since it was founded, it has served towards strengthening the democratization of countries such as Sri Lanka, Nepal, Thailand, Malaysia, Cambodia, Pakistan, Bangladesh, East Timor and Indonesia.

ANFREL is supported by a number of national organizations from Bangladesh, Cambodia, India, Indonesia, Japan, Nepal, Pakistan, Philippines, South Korea, Sri Lanka and Thailand.

From 1997 onwards until today, ANFREL, has also been active in contributing its efforts to capacity building of member and non-member organizations on issues related to election observation, voter/civic education, electoral reform and public awareness for good democratic governance. Research activities on electoral reform, democracy and good governance were also conducted jointly with civil society organizations in several countries.

ANFREL has been active in organizing training and comparative study seminars of election laws in Asia. In November 1998 for instance, a seminar-workshop on the election laws in Indonesia was held, participated by election experts from selected Asian countries. The critique and the recommendations of the seminar-workshop were submitted to the Indonesia authorities for consideration in finalizing the election law. A statement was also sent to the authorities to pressure them to adopt reforms in the election law. Meetings with Indonesian embassy in Bangkok were initiated by ANFREL leaders to convey the Asian people's concern for meaningful reforms as a prerequisite for a free and fair election in Indonesia.

Recognizing the role of the media during elections, another seminar-workshop was held for journalists on: *The Role of Journalists on Elections*. The event provided venue for journalists in the region to share their experiences with their Indonesian counterparts to help them improve their role during the election. It also served as an opportunity to organize their ranks and to plan ways on how they could support each other and work together on a regional level. Two separate reports on these activities have been produced and are available at ANFREL's series of publications.

Apart from direct election observation programs, in ANFREL's entire election observation mission to date, training (directly or indirectly to local organizations) have always been part of the primary objective of its mission. ANFREL believes that capacity building is one of the most important elements in democratization efforts.

In line with this philosophy, ANFREL is proud to be the first Asian Regional Election Observation Organization, which has been invited and has also trained two Afghan nationals to be election observers in 2004 Indonesian Legislative Elections. ANFREL hopes that these efforts will get continuous support from the international community for greater democratization efforts in Asia.

Involvement in Afghanistan and its role in the General Election of Afghanistan

In the last 31 years, the people of Afghanistan were detached from experiencing elections as a process to practice their political rights in choosing the representatives to organize and manage the country's democratic political system. However, since 2004 the Afghan people have had some exposure to elections and electoral processes. Yet, being the first parliament election to be organized in Afghanistan, the 2005 elections have great importance in the history of the nation structures. ANFREL feels that it is vital that Afghan people are aware, educated and motivated in the spirit of democracy. There is a need for more trained & educated Afghan nationals in order to facilitate such transfer of knowledge.

ANFREL believes that the General Election in Afghanistan will facilitate in restoring the legitimacy of the government in the eyes of its citizens. ANFREL considers the efforts of United Nation Assistance Mission for Afghanistan (UNAMA) and Transitional Administration (TA) to transfer the power to the people of Afghanistan through democratic and peaceful means as a great success.

Through the support from USAID and The Asia Foundation office in Kabul, ANFREL was involved in observing the Presidential Elections in Afghanistan in 2004, where it fielded 16 Long Term Observers and 24 Short Term Observers in Pakistan, Afghanistan and Iran. Through this process, ANFREL had published a report in English, "Afghanistan: Presidential Election 2004", which is now widely distributed around the world. This published works marks the first ever book written on Afghanistan's electoral process worldwide by an Asian regional organization. Through this project, ANFREL also forged a very strong relationship with FEFA, a local monitoring organization and consequently after this mission, ANFREL invited two FEFA officials to join them in observing the elections in Thailand.

Acting within its mandate, ANFREL was ready to play its due role in Afghanistan at the eve of General Election, held on September 18, 2005. It is ANFREL's strong conviction that a free election is the cornerstone for a long lasting democratic system of a country, thus making ANFREL's primary objective in observing the 2005 General Election in Afghanistan for its freeness and fairness.

In realizing this agenda, ANFREL prepared training modules with an attempt to reach a great number of beneficiaries, through a trickle down effect. ANFREL arranged training workshops for civil society organizations, in order to encourage them to train other parts of the society in their own capacity. The topics of these training workshops were about Election Observation, held for two days duration.

Operational Objectives and Function for the Election Observation

Electoral process is one of the basic needs for the citizens of a country to enjoy their freedom in order to exercise their political rights in choosing representatives to organize and manage the country's democratic political system. Because the relations between politics, economics and social justice are very close and tight, election thus plays a major role in determining the future direction of a country. ANFREL believes that the electoral system of a country must be co-ordinate and monitored carefully to assure the sovereignty of the processes, which shoulders its autonomous results.

The Universal Declaration of Human Rights (Article 21) states that: *"The will of the people shall be the basis of the authority of government. This will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."*

Relative to the complexity of the Afghan society, ANFREL anticipated that the Afghanistan electoral experience would be unique and promising to enhance its political understanding of Afghanistan and the peoples aspirations for democracy and their views on a democratic Afghanistan. Nevertheless, such a mission to study the evolution, causes and effects of Afghanistan's political changes is too huge a task, and not be achievable in a short period of time. In order to thus understanding all these factors, ANFREL thus limited its mission in Afghanistan to focus at certain areas which would produce valuable experience to open doors for further democratization efforts in the future.

The objectives that ANFREL had set for the observation mission for the Afghanistan General Elections 2005 were:

1. To support the enhancement of integrity of electoral process as well as to minimize election irregularities and election-related human rights violations.
2. To provide accurate and impartial information and analysis on issues related to the General Elections in particular and prospects for democratic development in general.
3. To enhance and sustain the capacity of civil society organizations to ensure an environment conducive for the conduct of free elections as well as for the realization of people's aspiration for democracy.
4. Strive to strengthen the civil societal activity among participating nations. This can be achieved in training and promotions of democratization values among members of the observation mission.
5. To support and strengthen local networks of elections observation bodies in organizing, information gathering and data exchanging activities during the mission which will enhance the results of the mission for both local and international participants of election observation missions. ANFREL will also organize a special training program to locals in Afghanistan, which comprises of young and active civil society leaders. This program is catered to train and expose the participants to election observation programs while at the same time, share ANFREL's past experiences with them. Through this effort, ANFREL will strengthen its networking in another Asian country in sharing its common goal for greater democracy in the region.
6. To publish a report upon completion of the mission. The report will underline the outcome of the observation mission of the General Elections Observation team, together with recommendations for the electoral process. This report will in the end act as a mission report, which will be distributed to participating bodies and agencies.

The goal of the observation mission is to provide ordinary citizens, election officials, government officials, and the international community with an accurate and impartial picture of the unfolding political and electoral process in the various regions of Afghanistan. ANFREL hopes that this election in Afghanistan will help to restore the legitimacy of the government in the eyes of its citizens and will continue the process of transferring power and participatory government to the people of Afghanistan through democratic and peaceful means.

It is ANFREL's strong conviction that a free election is the cornerstone for a long lasting democratic system of a country. In addition ANFREL wants to support the enhancement of the integrity of the electoral process as well as to minimize election irregularities and election-related human rights violations by the presence of its observers.

Methodologies and Strategies

Methodologies

ANFREL's activities on election observation program are rooted in the Framework for Future Efforts at Enhancing the Effectiveness of the Principle of Periodic and Genuine Elections adopted by the United Nations Commission on Human Rights in 1989^{lv}. This principle provides a universal and equal suffrage, as well as setting up an impartial administration to ensure the reliability of the electoral process. Apart from independent administration and supervision of electoral process by related agencies, there have to be appropriate voter registration methods, reliable balloting procedures and effective measures for preventing frauds and resolving disputes.

Election observers will play an important role in the pursuit of democratic elections that should have the following minimal conditions:

- franchise is genuinely universal;
- political parties and individual candidates are able to enjoy their legitimate rights to take part in the election;
- there is freedom of expression allowing possible criticism of the incumbent government;
- there is the right to free movement and assembly;
- all contesting parties and candidates have reasonable access to the media;
- And freedom of choice for voters to cast ballots.

As a rule, ANFREL observation missions never operate against the will of the host country. Since its formation in 1997, all the government in its place of mission, civil society organizations and the general public has welcomed ANFREL. It must, nevertheless, be noted that the mandate of ANFREL observation missions rules out any kind of interference.^{lvi} The mission has no authority to change, improve or correct any shortcomings during the election process by any means but in a form of recommendations to the proper authorities. ANFREL only has the mandate to collect, verify and analyse information concerning election-related issues. After the conclusion of observation activities, preliminary and final reports will be produced and disseminated. These reports will include an assessment of electoral process based on international standards for free and fair democratic elections as well as recommendations.

Election observers observe the entire electoral process as it takes place to make an informed and accurate assessment on both the conduct of elections and the surrounding environment. ANFREL believes that the use of election observers can provide an effective means of verifying the integrity and fairness of electoral process and its outcomes. In addition, the presence of observers will create an atmosphere that decreases the likelihood of intimidation, violence or fraud. Well-planned observation missions can significantly instill confidence in voters and increase not only their willingness to seriously participate in electoral process but also their ability to freely express political wills at the polls without fears of reprisal.

It is therefore essential that election observers come from non-partisan organizations with proven records and reputations for professional and ethical qualifications in areas related to the technicality of electoral process and the promotion of democracy.

Balloting and vote counting process usually form the focal point of election observation activities of ANFREL. Apart from that, election observers are also active in examining other aspects of electoral process such as

- the appointment of electoral officers,
- the registration of political parties and voters,
- the verification and designation of candidates,
- the demarcation of constituencies,
- the enforcement of election campaign regulations,
- And the conduct of voting and vote counting as well as the review of complaints and the installation of election winners.

The authority and the media deserve special scrutiny given their potential for improperly using their status to manipulate electoral process and influence election outcomes. At the end of the polls and after preliminary results are released, election observers examine the way in which complaints about cheating and irregularities are handled by related agencies.

Strategies

The complexity of politics in Afghanistan and the importance of it for regional political stability is the main consideration in tailoring the strategies of ANFREL's observation mission. ANFREL believes it is essential that an awareness workshop is conducted for the local civil societies in Afghanistan in order to have greater understanding of the importance of civil society movement and democratization efforts despite just having an election observation delegation.

Understanding these demands, ANFREL divided its mission into THREE (3) different teams, tackling three (3) different objectives. The diversification and objectives of these teams is elaborated below.

Assessment Team

Before going forward to conduct other activities as planned, especially in a country still staggering after war and conflict, it was necessary for ANFREL, to assess Afghanistan's social, political and cultural situation and at the same time built networking with local and international organizations (*e.g.* TAF, UNDP and UNAMA). During this mission, a group of two ANFREL assessment team members introduced themselves to the official election

institutions and others institutions and bodies, to learn the application process of accreditation for international observers.

The assessment team investigated and researched for security, logistics, deployment observers, accommodation, transportation and media. The mission also meet its network members in Islamabad, the capital of Pakistan, in order to pave way for observers to come and possibly stay for visa application, prior to coming to Kabul. The team also took the opportunity to decide and plan for the training workshop, namely trainees, curriculum, methodology and other specific strategies for the observation mission. For hiring the interpreters, booking for accommodation and transportation will be strategize during this mission. The mission members also identified medical and financial centers to facilitate the observation mission. Decision for the coordination and deployment of the identified observers to the provinces was also made during this mission.

General Elections Observation Mission Team

Among many representatives of civil society organizations in Afghanistan, ANFREL primarily worked in cooperation with The Asia Foundation (TAF) and FEFA. Having experience and sound background in Afghanistan's civil and political developments, TAF and FEFA were the center point for ANFREL to conduct missions to observe, investigate, assess and document situation and conditions that affected the creation of political conditions necessary for the conduct of free election in Afghanistan. Moreover, ANFREL also cooperated with the United Nations and other international observation missions present in observing, investigating and documenting human violations, that may affect the integrity and fairness of the 2005 General Election, such violations were pertaining to the issues of killing, armed attack, arbitrary arrest, abduction and detention.

An extensive cooperation with both Afghanistan civil society organizations and international agencies allowed ANFREL to deploy long-term and short-term observers to assess, with accuracy and on a continuous basis, the extent to which the freedoms of association, assembly, expression and the right to freely participate in political exercises via electoral process were truly respected.

Long Term Observation

A team of 24 long term observers (LTOs) were in the country for five weeks to observe the electoral process. They visited the local networks and institutions as well as political parties in order to get an overall picture of the situation. Two observers as a team were deployed to the assigned areas. These deployments were facilitated and decided in cooperation and through discussions with local organizations and international organizations. The teams were mobile in observing the campaigning, pre-election, polling and counting days. LTOs were required to write reports for the center office in Kabul and at the same time facilitate all the necessary requirements. Training and briefing for the LTOs was provided in Islamabad and Kabul before their deployment to the provinces. LTOs interview candidates for interpreters and deployed them in the provinces respectively. Though the possibility of getting interpreters from Kabul was also on the agenda, care was taken to choose local interpreters who were familiar with the areas and were well informed.

Due to the security concerns in Afghanistan, ANFREL's security coordination was provided by its local and international partners. Being civilians with no special training, ANFREL LTO's would not have been able to perform under such situation without assistance.

Short Term Observation

A team of five experienced short-term observers from ANFREL's network in East Asia, Southeast Asia and South Asia; they were deployed for a period of ten days. Based on information collected and analyzed by ANFREL's coordinating team and local partner, these short-term observers observed, investigated, assessed and documented the final stage of electoral campaign as well as the actual polling, counting and tallying process.

The selection of both short-term-observers and areas of deployment was again based on consultation with ANFREL's correspondence in Afghanistan as well as the coordinating team's analysis of pre-election situation. The short-term observers were carefully chosen based on their credential experiences in areas related to election monitoring and local governance work. Additionally they were also expected to have a sound understanding of current and ongoing situations in Afghanistan. These short-terms observers were dispatched to sensitive constituencies that had established records of violence, fraud and irregularity.

During the mission, short-term observers also meet representatives of the UNAMA and other International Organizations representatives, candidates, political parties, and government officials at different levels, community leaders, civil society organizations and voters.

Media Officer

ANFREL had one Media Officer who prepared all the media related work regarding the Observation Mission for ANFREL. The media officer worked closely with the LTOs and STOs to collect all the information from the provinces regarding the election.

The Media Officer also worked in close coordination with TAF and UNAMA and also build contacts with the local and international media to disseminate information on ANFREL's findings during the mission.

ANFREL LTO and STO Observers Schedule

As on 30 August - 10 October 2005

28-29 August	LTOs arrive Islamabad and Dubai to do Afghan visa (all observers need multiple entry)
30 August	Fly to Kabul (UNHAS flight).
30 -Aug. -1 Sept.	Briefing and Training Session for LTOs
2 September	Arrangement for Satellite Phone, Accounting and Accreditation
3-4 September	LTOs deployment to Regions (visit JEMB, interview people, candidates and parties)
10 September	<u>LTOs send first report</u> (continue observe campaign process)
12 September	STOs arrive Kabul
14 September	STOs deploy to provinces
17 September	<u>LTOs send second report</u>
18 September	ELECTION DAY (LTO and STO send report)
19 September	Observe counting process (LTO and STO send another report)
20 September	LTO and STO Return to Kabul for de-briefing and half term evaluation
21 September	Press Conference and Issue statement, at Heetal hotel, Kabul
22 September	STO departure Kabul
23 September	LTO return to Provinces for post election observation (counting process)
28 September	Media officer departure
30 September	LTO send report
7-8 October	LTO return to Kabul submit final report and attend second debriefing and join close door meeting with JEMB (election commission). Coordinator meeting with local NGO (FEFA)
9 October	Evaluation with TAF
10 October	Departure of LTOs

ANFREL Training Schedule for Afghanistan Mission 2005

Date	Time	Description	Person in charge
August 31 st	1830-2200	Welcoming Committee Introducing the Observers Introducing TAF Administration & Procedures, Security Briefing and Manual distribution	Somsri TAF Amin
September 1 st	Session 1 0800-1200	Political situation updates in Afghanistan. Election Program in Afghanistan	TAF
	Session 2 1400-1700	Mission Explanation Observation Standard Manual Observation Training	ANFREL
	Session 3 1930-2200	Mission Standard, Code of Conduct, Reporting, Travel Schedule, Observation in Provinces Accounting Procedures	Somsri Amin
September 2 nd	Session 1 0800-1200	Election Knowledge Election System The Election Process. Stake holder of the Election. Discussion Session	JEMB
	Session 2 1300-1700	Security Briefing Security updates. Contact KROLL in the Provinces. How to get daily security update Evacuation Procedures. Travel Arrangement. Equipment Briefing (satellite phones)	KROLL WORLDWIDE
	Session 3 1900-2100	Local Monitoring Group Experiences / Finding Coordinating in Provinces	FEFA
	Session 4 2100-2200	Accounting Accreditation Card	TAF ANFREL

Observers Name and Deployment List

List of Observers	Provinces for Deployment
Long Term Observers	
1. Yuli Rustinawati (Indonesia)	Kunduz
2. Redzuan bin Othman (Malaysia)	Kunduz
3. Sri Lestari Kadariah (Indonesia)	Kandahar
4. Kamal Perera (Sri Lanka)	Kandahar
5. Pornpen Khongkachonkiet (Thailand)	Herat
6. Engelbert Jojo Rohi (Indonesia)	Herat
7. Supriadi Ichal (Indonesia)	Puli Khumri
8. Anchan Munin (Thailand)	Puli Khumri
9. Erna Dyanthy Binti Mad Daluis (Malaysia)	Chakcharan
10.Rohana Nishantha Hettiarachi (Sri Lanka)	Chakcharan
11.Bambang Kusrianto (Indonesia)	Ghazni
12.Ann Sriyanie Perera (Sri Lanka)	Ghazni
13.Ahmad Abror (Malaysia)	Mazar
14.Taibah Istiqamah (Indonesia)	Mazar
15.Mohamed Badrul Hisham Ismail (Malaysia)	Sherbegun
16.Virasak Khampee (Thailand)	Sherbegun
17.Zau Shan (Burma)	Jalalabad
18.Pongsak Chanon (Thailand)	Jalalabad
19.Intan Rafiza Binti Abu Bakar (Malaysia)	Pansheer
20.Ahmadi Wadus (Indonesia)	Pansheer

Short Term Observers	
21. Damaso Magbual (Philippines)	Kabul
22. Sakool Zuesongdham (Thailand)	Jalalabad
23. Kalpalata Dutta (India)	Jalalabad
24. Amrita Dutta (India)	Puli Khumri
25. Koul Panha (Cambodia)	Pansheer
26. Desyana Zainuddin (Indonesia)	Pansheer

Kabul Secretariat Team	
Somsri Hananuntasuk (Thailand)	Kabul
Amin Shah B. Iskandar (Malaysia)	
Chatchawan Rakchat (Thailand)	
Pravit Rojanaphruk (Thailand)	

Pre-Election Assessment Form

Observation Checklist for the Pre-Election Environment – Afghanistan Elections 2005			
Observer's Name:		Province/Municipality:	
District:			
Signature:		Date:	
Instructions			
Read the questions carefully. Put a tick (✓) in the appropriate box. If you cannot answer the question, or it is not relevant, leave it blank. If violations or irregularities occurred, please briefly explain them in the space provided, or in a separate report. Include the place, time of occurrence, persons or organizations involved, and other details, if available.			
	Political Environment	Yes	No
1	Do people in general, and women in particular, enjoy freedom of association, speech and movement?		
2	In general, are all of the candidates in the constituency able to freely organize and campaign?		
3	Has campaigning been largely peaceful and fair?		
4	Were any government resources (civil servants, vehicles, buildings, radio stations, etc.) unfairly used to support the campaign of a particular candidate?		
5	Have any candidates or their supporters tried to buy votes with money or gifts?		
6	Have any candidates or their supporters used threats or violence to try to influence voters?		
	Voter Education	Yes	No
7	Do you feel that people have adequate access to information on the candidates, and their platforms and policies, to make an informed choice on election day?		
	Voter Education continued	Yes	No
8	Do women have similar or equal access to information as men?		
9	Do most people have sufficient knowledge of the electoral processes (how and where to register, complain and vote) to participate effectively in the election process and cast their ballots on election day without making a mistake?		
	Election Administration	Yes	No
10	Are the local election administrative bodies organized to effectively fulfill their duties?		
11	Has the election administration received the materials and support needed to effectively conduct the elections?		
12	Are the election committees perceived as neutral administrators of the electoral process in your area?		

13	Are election-related complaints appropriately resolved by the EEC or PEC?		
	Greatest Concern		
14	Please write your greatest concern about the election process in the space below (some examples might be: lack of election materials, poor election organization, political violence or intimidation, political or religious intolerance, cheating in the election process, vote buying, lack of access to information for women, etc.		

[illegible][illegible]

[illegible]

Overall Assessment of the Polling Process	
<u>Instructions for this Section:</u> Put a tick (✓) next to the statement that best describes your assessment of the election environment and polling process for the area you observed. If your response is “poor” or “very poor”, please provide further explanation in the comment section.	
	Very Good – no incidents or irregularities were observed.
	Good – a few incidents or irregularities were observed that had no significant effect on the integrity of the process.
	Average – many incidents or irregularities were observed that had no significant effect on the integrity of the process.
	Poor - incidents or irregularities were observed that could have significantly affected the integrity of the process.
	Very Poor - incidents or irregularities occurred which so affected the integrity of the process as to render the results from one or more polling stations meaningless.
Comments	
<u>Instruction for this Section:</u> In the box below, give details of any violations, unusual occurrences, or irregularities that occurred at your polling center. If more space is required attach additional sheets of paper to the report form.	

Observation Checklist for the Counting Process – Afghanistan Elections 2005		
Observer's Name:	Province/Municipality:	District:
Signature:	District(s):	Date:
Instructions Read the questions carefully. Put a tick (✓) in the appropriate box. If you cannot answer the question, or it is not relevant, leave it blank. If violations or irregularities occurred, please briefly explain them in the comment section on the back of the form.		
Security and Transparency of the Process		Yes No
Were observers and candidate agents allowed to accompany the ballots to the Provincial Counting Center?		
Were the ballots stored securely prior to the counting and each night during the count?		
Were both domestic observers and candidate agents present during the count?		
Were observers and candidate agents able to observe the entire counting process?		
Was there anybody without proper authority allowed in the Provincial Counting Center?		
Counting Process		Yes No
Were any ballot boxes or other materials were missing?		
Were the seals on the ballot boxes unbroken before the counting began?		
Were the ballots properly mixed before counting?		
Did the total number of ballots equal the sum of voters who cast ballots according to the voter lists?		
Were invalid ballots and valid ballots assessed accurately and to a consistent standard?		
Were all pages of the ballot booklets viewed to ensure that no other mark was present?		
Were the votes for candidates accurately recorded?		
Were agents and observers allowed to independently record the election results?		
Were any objections or complaints lodged during the process (if yes, please provide details)?		

Overall Assessment of the Counting Process	
<u>Instructions for this Section:</u> Put a tick (✓) next to the statement that best describes your assessment of the election environment and polling process for the area you observed. If your response is “poor” or “very poor”, please provide further explanation in the comment section.	
	Very Good – no incidents or irregularities were observed.
	Good – a few incidents or irregularities were observed that had no significant effect on the integrity of the process.
	Average – many incidents or irregularities were observed that had no significant effect on the integrity of the process.
	Poor - incidents or irregularities were observed that could have significantly affected the integrity of the process.
	Very Poor - incidents or irregularities occurred which so affected the integrity of the process as to render the results from one or more polling stations meaningless.
Comments	
<u>Instruction for this Section:</u> In the box below, give details of any violations, unusual occurrences, or irregularities that occurred at your polling center. If more space is required attach additional sheets of paper to the report form.	
Additional Comments	

X. ANFREL Observation and Reporting Guidelines

Pre-Election Day Observation

In the weeks before Election Day election observers should establish a clear presence of their activities in their designated area of deployment. They are advised to complete the following tasks during their observation mission:

Election Observers should become familiar with the geographical area, the local electoral climate, and the election documents.

Observers should:

- Become familiar with key elements of election laws, regulations and the procedures governing the electoral process.
- Review ANFREL Code of Conduct, and the Code of Conduct for observers in that country
- Review polling manual, counting manual and other publications of the electoral bodies
- Become familiar with the geographical area and the local constituencies, location of the security forces, and location of polling stations to be observed.

People to meet

- Meet with election officials, including security officials, representatives of monitoring organizations and human rights organizations in deployment areas to discuss the electoral environment, the preparations for the electoral process and problems that have been encountered and anticipated.
- Meet with representatives of political parties
- Talk to people in restaurants, on the street, students and women. Ensure people of the confidentiality of their information.

Information to gather

- Collect information to examine and verify background of candidates whether they have held previous political positions as well if there are any reasonable grounds for suspected violations of laws, regulations and procedures governing electoral process.
- Collect information to examine and verify whether there are any reasonable grounds for the misuse of power by the authorities, particularly those in charge of electoral process, in favor or against certain candidates directly and indirectly. This investigation should also include information regarding activities of the media, whether they have been involved in political campaigns, in soliciting political support or in canvassing for certain candidates.
- Review how the polling stations will be set up, and how secure storage and the transport of election materials will take place.

- Carefully coordinate with other observers, both local and international, to avoid duplication of monitoring efforts in the deployment area during the same time periods, especially on Election Day, transportation day, and counting.
- Observe voter education activities in the deployment area if time permits.
- Observe political rallies and other political events
- During the cooling off period just prior to Election Day observe if campaigning or if election-related activities or intimidation occurs.

Election Day Observation

Prior to the opening of the polling station

Election observers should use the Checklist for Election Day to record observations while visiting multiple polling stations. Observation Election observers should arrive at their first polling station no later than 30 minutes before polls are scheduled to open to observe the preparations for the opening of voting process. Where appropriate they should wear observer uniforms and wear accreditation cards at all times. The first task of election observers in every polling station is to introduce themselves to polling station officers, security officers, accredited observers and party agents.

It is advisable for election observers to spend 15-30 minutes in each polling station, taking into consideration the travel time between polling stations. The guiding principle is in the quality of election observation rather than the number of visits to polling stations.

Prior to the opening of the voting process at the polling station, election observers should take note whether:

- All required electoral officers, including security officers, are present and fully aware of their duties. They must follow all procedures for the setting up and opening of the polling station.
- All party agents are present and fully aware of their duties.
- Other national or international election observers are present.
- All documents have been carefully verified and signed in accordance with laws, regulations and procedures governing electoral process.
- Election materials, particularly voter lists, ballot papers, ballot boxes and seals, have been carefully secured. Serial numbers on ballot paper stubs are recorded. Seals are checked.
- Ballot boxes are shown to be empty before being locked and sealed in accordance with laws, regulations and procedures governing electoral process.
- Adequate security for the polling station has been provided.
- Queues of voters waiting for the opening of the polling station are orderly.
- The polling station opens on time.

At the polling station during voting hours

The first task of election observers in every polling station is to introduce themselves to polling station officers, security officers, accredited observers and party agents. Election

observers must ensure that their activities do not disrupt the voting process in any way when they visit each polling station.

Election observers should note the presence of campaign materials and efforts to solicit votes as well as any inappropriate instruction for voting in or near the official perimeter of the polling station. Election observers must note whether the organization and the progress of voting process have been in accordance with laws, regulations and procedures governing electoral process.

Election observers should also note any sign of tension or dissension. They should note how polling station officers deal with voters whose names do not appear on voter lists and whether the handling of these incidents has been proceeded in accordance with laws, regulations and procedures governing electoral process.

Without creating a distraction, conversation with electoral officers, local observers and party agents should be made to get their views on voting process.

Election observers should determine whether there is any reasonable grounds for cheating and irregularities in the voting process, such as:

- Infringement of secrecy
- Possession of weapons inside and around a polling center
- Disturbance and obstruction of voting process
- Influence, intimidation or bribery of voters
- Influence or bribery of electoral officers
- Impersonation or voting with false identity
- Multiple voting and rotating of ballots for vote casting
- Incitement of violence

Election observers may also find it useful to determine the average time it takes a voter to enter and leave the polling station. If election observers find out the number of voters who have already voted and the number of voters waiting to vote, it may be possible to determine whether all eligible voters will be able to vote before the official closing of the polling station.

The closing of the polling station

Election observers should determine ahead of time the polling station where they will observe the closing procedures. When arriving at the final polling station, they should look to see if there is a queue of voters waiting to vote at the official ending time of the voting. They should also note any sign of tension or dissension.

Election observers must record whether the polling station is closed at the official closing of the polling station. If the polling station is not closed at the official closing time, they should determine whether there is a late opening of the polling station or there is a suspension in voting during voting hours or voting hours are extended to allow voters in the queue to vote.

Election observers must note whether the closing of the polling station has been preceded in accordance with laws, regulations and procedures governing electoral process. Ballot boxes must be sealed and secured. Election observers should check whether the handling of all election materials, including unused ballot papers, has been in accordance with laws,

regulations and procedures governing electoral process. If possible all sensitive materials must be delivered to the counting center before dark on the Election Day.

Post-Election Day Observation

Election observers should determine whether the majority of eligible voters have exercised their rights. Official preliminary election results may not be available until several days after the election. Because of the length of time between the counting and the official announcement of preliminary election results, accusations and suspicions of manipulation and frauds can prevail. Election observers should determine the credibility given to the announcement of results whether it has been accepted by the public as well as by campaigning political parties and candidates. They should look to see whether there is any complaint and objection by campaigning political parties and candidates regarding election results. They should also assess how quickly and thoroughly complaints and investigations have been handled by related agencies.

Report format guidelines

1" margins

11 pt, Times New Roman

Put sub-headings or questions on one line and put the response/text below the heading not beside it, so that we can quickly cut out sub-headings or questions quickly.

Use bold or double space to highlight headings.

Do not use underlining or other formatting.

Sources

Information sources need to be named and substantiated. Since we work on such short time-lines we don't usually have time to respond to observers with questions about their sources. So, even if an issue or problem seems or looks important, but it appears too speculative or not based on substantiated information the information will not be included in an ANFREL report in order to protect everyone.

Please list each type of source explicitly (e.g. one election monitoring organization, one party agent for _____(name of party). Then the ANFREL Secretariat when writing the summary can know how to weight the observation and to compare the findings to other provinces as well. We need to know who says what, so that we can assess the trends around the country and compare with other reports from other provinces.

You may want to "protect" sources, but you should still report who says what.

Each observer team presents one piece of the picture of what is happening around the country. What we do is look for the trends or highlight aberrations that try to give context for the national scene.

Generally, when we analyze the reports and look for concepts/quotes to highlight we are looking for evidence that comes from at least two different kinds of sources. For example use evidence from: an opposition party source (preferably with the position named) and an NGO/Election Monitoring Organization or if you yourself have witnessed an event. We would most likely never highlight a concern/complaint/concept that is only from one party.

Writing Style and Conclusions

Present your observations in as factual a manner as possible. Base your reporting on what you see and hear yourself or hear from your sources and don't worry about writing style and editorial comments. Also, try to give context and facts such as how many people, how many times, how many districts in which something happened. Is your observation a one-off problem or everywhere?

You do not need to spend your time and energy analyzing or making recommendations about what should be followed up in the national report. The secretariat will pick up on trends identified from other observers. (But you should keep your own file notes about what you will follow up on an ongoing basis.) Present the facts as you hear them from your informants or from your own direct observations. State the function of the informant and then the ANFREL report summaries will use the collective nouns such as "some" or "many" to summarize.

Please use caution about stating what you may think or assume. Report observations from a wide variety of sources and others can make their own conclusions.

AFGHANISTAN 2005 NATIONAL ASSEMBLY AND PROVINCIAL COUNCILS ELECTIONS

(INSERT NAME OF PROVINCE HERE)

NARRATIVE SUMMARY REPORT

Time period covered by this report:

For the write-up: Please use this document as the guideline for your narrative report. The topics listed below are ideas of points you may want to address in your narrative. If you visit more than one province during the reporting period please submit a separate report for each province.

Remember to localize your findings (did some things occur only in a particular area, or were they occurring around the province) and summarize (ex: seven signboards were destroyed, five in district X). Use illustrative examples (ex: in one case there was_____; in district _____, six men shouted insults at the candidate then cut down his party sign with their knives; etc.)

Campaigning

- Did candidates have public campaigns
- Are there posters up
- Were state resources used for gift-giving or political patronage
- Was NGO assistance used for gift-giving or political patronage

Security, Intimidation, Threats

- Was there politically motivated campaign sign vandalism or threats
- Was there intimidation (recording names, etc.) at political events
- Did threats or intimidation come from local leaders (village, district)
- Did threats or intimidation come from political activists
- Did threats or intimidation come from police or soldiers or tribal leaders
- Were people threatened with violence
- Were people threatened with withholding of future community benefits
- Were pledging, swearing or thumbprints required for gifts

Election Environment

- Are people confident the election will be peaceful
- Did people think the situation is better or worse than previous elections

Political Parties

Internal Party Organization

- Relatively speaking, comment on the organizational strength of the parties:
- Have the parties or independent candidates recruited and trained party agents:

Women in Politics

- Does the party or independent candidates have a local outreach or campaign strategy to reach women voters
- Do the parties or independent candidates address concerns of women in its campaigning

Election Administration and voter education

Recruitment and Composition of the JEMBS

- Is the JEMBS perceived as politically biased
- Was the recruitment of JEMBS perceived as politically biased
- Was the recruitment of JEMBS perceived as corrupt (nepotism, cronyism)
- Were concerns expressed that CECs were recruited from outside the area

JEMBS Meetings with Political Parties, Security Forces, Observers

- Did any meetings take place during the period
- Are meetings planned

Registration Process

- Are there concerns that people will not be able to vote because of registration problems (lack of ID, bad cards, etc.)
- Are there concerns that registration problems are the result of political bias rather than poor administration

Polling and Counting Process

- Are parties, independent candidates or others concerned about the new counting procedure

Election Complaints Process

- Have complaints been filed at the provincial JEMBS
- Do parties make complaints to NGOs rather than election officials
- Do JEMBS officials understand the complaints process
- Do party activists understand the complaints process
- Have any violators been fined or received other sanction

JEMB Voter Education

- Does the JEMBS have voter education material
- Have the JEMBS conducted any voter education

NGO Voter Education

- Have NGOs conducted any voter education

Other Events or Incidents of Significance

XI. Important Associated Readings

A. Decree of the President of the Transitional Islamic State of Afghanistan on the Adoption of Electoral Law

Number: (28)

Date: 27/05/2004

Article 1.

This Electoral Law containing (11) chapters and (62) articles and approved by the Council of Ministers through decision number 10 on 12 May 2004, is hereby signed.

Article 2.

This decree shall come into force from the date of its signature and shall be published together with the Law in the Official Gazette.

Hamed Karzai

President of the Transitional Islamic State of Afghanistan

THE ELECTORAL LAW

Chapter I. General Provisions

Chapter II. Electoral Administration

Chapter III. Constituencies

Chapter IV. Electors and Candidates

Chapter V. Candidacy and Election of the President

Chapter VI. Parliamentary (National Assembly) Elections

Chapter VII. Provincial and District Council Member Elections

Chapter VIII. Preparation for Elections

Chapter IX. Electoral Complaints and Offences Inquest

Chapter X. Miscellaneous

Chapter XI. Elections During the Transitional Period

In the Name of God, Most Merciful, Most Compassionate

The Electoral Law

Chapter I

General Provisions

Article 1.

This law is issued pursuant to Articles 33, clause (1) and 159 of the Constitution of Afghanistan to regulate electoral affairs in the country.

Type of Election:

Article 2.

Elections shall be conducted on the basis of free, secret, universal, and direct ballots.

The Principle of Equality in Election:

Article 3.

All voters shall have equal right of participation in the elections.

The Use of Voting Rights:

Article 4.

A voter has right to a single vote, and can only vote on his own behalf.

Respect for the Principle of Free Will:

Article 5.

Voters participate in the elections on the basis of their free will. Imposition of any kind of direct or indirect restriction on voters and/or candidates on the basis of language, ethnic, gender, tribal, geographic, religious, or social status is prohibited.

Cooperation from Relevant Institutions and individuals:

Article 6.

All government institutions, social organizations, and persons shall cooperate with and implement the decisions of the Independent Electoral Commission made within the scope of its authority.

Chapter II

Electoral Administration

Independent Electoral Commission:

Article 7

The process of election is managed by the Independent Electoral Commission (IEC).

Electoral Staff:

Article 8

The IEC Secretariat shall appoint electoral officials at country, provincial, and district level for conducting a free and fair election in accordance with the guidance issued by IEC.

Impartiality and Declaration of Secrecy:

Article 9.

Electoral officials shall perform their functions in a neutral and impartial manner and shall not, in the performance of their duties, seek or receive instructions from any governmental and non-governmental authority/office, apart from the Director of Independent Electoral Commission Secretariat.

Prior to their employment, electoral official shall formally undertake to uphold the confidentiality of polling and the tallying of votes in a manner established by the IEC.

Disqualification from Acting as Election Official:

Article 10

No person holding a position in a political party or nominated as a candidate for election shall be eligible for or be appointed to carry out the duties of an election official.

Election Officials nomination as candidates shall be ineligible while they are in duty.

Father, grandfather, up to three generation grandsons, mother, grandmother, brother, sister, spouse, aunt, uncle, father in-law and mother in-law of the candidate shall not be eligible for or be appointed to carry out duties of an election official in related constituencies.

No person found electoral and/or registration offender during registration and election, shall be eligible for or be appointed to carry out the duties of an election official.

Chapter III

Constituencies

Determination of Electoral Boundaries:

Article 11.

For the purposes of electing members of the Wolesi Jirga, provincial councils, and district councils, district and provincial electoral boundaries are designated and announced by the President in a decree no later than (120) days prior to the relevant elections.

Electoral Boundary Dispute:

Article 12.

(1) Disputes arising over the right to be registered or to vote, to be a candidate, or the counting and awarding of votes will be investigated by IEC and Election Officials.

(2) Disputes relating dependency of a village, district and a province due to constituencies boundaries determination will be investigated by the Ministry of Interior and the decision will be made on the bases of technical criteria and received information. The IEC will be informed of the decision as soon as possible.

(3) Disputes related to electoral boundaries can be raised up to (110) days prior to the elections.

Chapter IV

Electors and Candidates

Qualification for Electors and Candidates:

Article 13

1- Electors qualification

Every Afghan who meets the following conditions can vote in presidential, parliamentary, and provincial and district assembly elections:

Has completed eighteen years of age at the time of the election;

Has Afghan citizenship at the time of registration;

Is not deprived of any political and civil rights by an authoritative court

Is registered in the voters registration list.

2- Candidates qualifications

1. Each qualified Afghan can candidate himself or herself for presidential, parliamentary, provincial, and district councils elections.

2. Chief Justice, members of the Supreme Court and Attorney General cannot candidate themselves for presidential, parliamentary, provincial and district council elections, while in duty.

3. Officials of armed forces (Ministries of National Defense and Interior Affairs and General Department of National Security) while in duty, cannot candidate themselves for presidential, parliamentary, provincial and district council elections, unless they have resigned from their institutions (75) days before the holding of elections.

4. Government officials, judges, attorneys and civil servants, who want to candidate themselves for the president's post or for parliamentary, provincial and district councils, shall resign (75) days before the holding of elections.

5. If the candidates in clause (4) of this sub-article are not elected, the consequences of resignation will not apply to them, if they return up to 20 days after the elections; they can continue to work in their previous jobs. However, the electoral time periods, the period between the end of the elections and return within 20 days, will be counted as their annual leave.

Location of Voting:

Article 14

(1) Electors shall cast their votes in the place where their names are registered in the voter registration list.

(2) The Independent Electoral Commission may exceptionally provide facilities for nomadic population, refugees and internally displaced persons, armed forces, IEC officials on duty and civil servants.

Voter Identification:

Article 15

1. Voters shall present their voter registration card for verification of their identification prior to being issued a ballot.
2. The Independent Electoral Commission may exceptionally provide necessary facilities for Afghan refugees in Iran and Pakistan.

Chapter V

Candidacy and Election of the President

Candidate Eligibility:

Article 16

Persons who fulfill the condition of eligibility established in Article 62 of the Constitution can candidate themselves for the president post. The presidential candidate shall announce the names of two vice presidents to the nation at the time of candidacy simultaneously.

Presidential candidates must present the copies of voter's registration cards according to article (44) of this law, and pay the fees.

Candidates shall not:

Pursue objectives that are opposed to the principles of the holy religion of Islam and the word and spirit of the Constitution.

Use force, or threaten with, or propagate the use of, force;

Incite ethnic, linguistic, regional or religious tension and discrimination;

Create real danger to the rights or freedoms of individuals or intentionally disrupt public order and security;

Have non-official military forces or be part of them;

Receive funds from foreign sources

Receive funds from internal illegal sources

The Independent Electoral Commission shall verify and approve the eligibility of the candidates.

Election of the President:

Article 17

The President is elected, in accordance with article 61 of the Constitution and this law, by a majority of the valid votes of voters cast in an election.

If no candidate wins more than 50% of the valid cast votes in the election, a runoff election shall be held between the two most-voted candidates within 2 weeks after the announcement of the election results. The candidate receiving the most valid cast votes in the runoff election shall be declared elected.

The most voted candidate in accordance with Article (160) of the Constitution shall assume his duties thirty days after the result of the election has been proclaimed.

In case of death of one of the candidates during the first or second round of polling or after elections and before announcement of the results, then new elections will be held according to the provisions of law.

Chapter VI

Parliamentary Elections

Part I Wolesi Jirga

Number of Seats:

Article 18.

There shall be 249 seats in the Wolesi Jirga allocated among the provinces in proportion to their population.

Allocation of Provincial Seats:

Article 19.

(1) At least **90** days prior to each election, the Central Statistic Office will provide the official population figures or estimates for each province to the IEC.

The IEC shall allocate seats among the provinces as follows:

The total population of the provinces to be allocated seats is divided by the number of seats to be allocated (249) to obtain the seat allocation quota.

The population of each province is divided by the seat allocation quota. The result shall be the number of seats allocated to each province.

If the result of these calculations leads to any province or provinces initially being allocated less than two seats, those provinces should be allocated two seats. The seats, which are not allocated by this method, their allocation will be done according to their large decimal remainders.

c. The procedures and mathematical formulas for making the calculations in a. and b shall be published in regulations by the IEC.

Candidates:

Article 20.

(1) Candidates can nominate themselves in each constituency (province or district).

(2) Candidates shall not:

Pursue objectives that are opposed to the principles of the holy religion of Islam and the word and spirit of the Constitution;

Use force, or threaten with, or propagate the use of, force;

Incite ethnic, linguistic, regional or religious tension and discrimination;

Create a real danger to the rights or freedoms of individuals or intentionally disrupt public order and security;

Have non-official military forces or be part of them;

Receive funds from foreign sources

Receive funds from internal illegal sources

Candidates must pay fees and present the copies of voter registration cards according to article (44) of this law.

Political parties registered may nominate a number of candidates in each province up to 100% of the seats to be filled in that province.

Candidate Eligibility:

Article 21

(1) The Independent Electoral Commission shall verify that candidates to the Wolesi Jirga fulfill the conditions of eligibility established in Article 85 of the Constitution and in this law.

(2) No person shall be eligible to stand for election in more than one constituency.

(3) Political parties' candidates who are found ineligible by the IEC may be replaced by their political parties at any time up to the nomination deadline.

Awarding of Provincial Seats to Candidates:

Article 22

Subject to the provisions of sub article 2 in article 19 of this law, provincial seats are awarded to candidates according to the number of votes obtained.

The most voted candidates will be awarded seats in each province.

(3) No candidate shall be allocated more than one seat.

(4) If a candidate is not able to take his/her seat, or if such candidate abandons that seat during the Wolesi Jirga term for any reason, the seat will belong to the next most voted candidate of the same gender.

Allocation of Seats to Female Candidates:

Article 23

The IEC will set procedures and a formula, based on the population of each provinces, for defining a minimum number of female candidates that will be elected in each province in order to meet the requirement of article 83 of the Constitution by which the number of female candidates must be at least twice the number of existing provinces.

(2) The most voted female candidates in each constituency will be allocated seats in accordance with the formula in sub-paragraph (1). After the quota requirements have been met the remaining seats will be allocated in accordance with article 22 of this law.

(3) In the provinces in which there is only two seats allocated one seat will be awarded to the most voted female candidate. The remaining seat will be awarded to the most voted candidate regardless of his/her gender.

Part II

Meshrano Jirga

Composition of the Meshrano Jirga:

Article 24

The number of Meshrano Jirga members shall be thrice the number of existing provinces. One third of them will be appointed by provincial councils, one third of them by district councils and the remaining one third by the president.

Election of Provincial Representatives:

Article 25.

Within 15 days after its installation, each provincial council will in a secret election elect one of its members to a seat in the Meshrano Jirga for a period of four years.

The election will be presided over by the council chairman, if that person is not a candidate for election to the Meshrano Jirga. If the chairman is a candidate, the deputy chairman will preside over the election. If the deputy chairman is also a candidate, the eldest member who is not a candidate shall preside over this election.

Election is by absolute majority among the council members present. If no candidate receives more than half the votes in the first round, run-offs must be conducted between the candidates with the two highest vote totals until one member receives a majority of the votes.

If the elected member of the Meshrano Jirga abandons the seat prior to the end of the term, according to clause (3) of this Article, a new Member shall be elected in the same way from among the current members of the provincial council for the remainder of the term.

Election of District Councils Representatives for Meshrano Jirga:

Article 26.

Within 5 days of the installation of the district councils, the IEC shall provide each provincial council with a list of the individuals elected to the district councils in their respective province. The members of the district councils in each province shall elect one from among their members to seat in the Meshrano Jirga for a three-year period.

The chairman of the provincial council is responsible for convening members of the district councils in the province for an election within 15 days of the installation of the district councils. The meeting shall take place at a venue which is as accessible as possible for all members of the district councils in the province.

At least two third of the members of the district councils must participate for the election to be valid.

Election is by absolute majority among the council members present. If no candidate receives more than half the votes, run-offs must be conducted between the two candidates with the highest vote totals in the first round until one member receives a majority of the votes.

If the elected member of the district councils for Meshrano Jirga abandons the seat prior to the end of the term, a new Member shall be elected according to the sub-article (4) of this article from among the current members of the district councils for the remainder of the term.

The IEC shall confirm, according to Article 85 of the Constitution, the eligibility of individuals elected by district and provincial councils. If it is proven that according to Article 85 of the Constitution a candidate is not eligible, the IEC will ask the respective district and provincial councils to elect another member.

Appointment of Individuals to the Meshrano Jirga:

Article 27.

(1) Within two weeks after the presidential inauguration, the President shall invite civic organisations, political parties, and the public to nominate individuals to be appointed to the Meshrano Jirga in accordance with Article 84 (3) of the Constitution. The nomination period shall remain open for one week.

(2) No more than seven days following the close of nominations, the Office of the President shall forward to the IEC nomination papers in conformity with clause (1) of this article for those individuals it intends to appoint.

(3) The IEC shall verify the eligibility of those individuals, according to clause (2) of this Article and shall advise the Office of the President no later than seven days following receipt of the nominations.

(4) Within two weeks of the close of nominations, the President shall announce appointments to the Meshrano Jirga in accordance with Article 84 (3) of the Constitution.

Chapter VII

Provincial and District Elections

Part I

Election of the Provincial Council Members

Provincial Councils:

Article 28.

There shall be a provincial council in every province elected through free, secret, universal, and direct elections by the voters of the province.

Composition:

Article 29

(1) The number of members of each provincial council will be determined according to population in the following manner:

- Provinces with less than 500,000 inhabitants: 9 members
- Provinces with 500,000-1000,000 inhabitants: 15 members
- Provinces with more than 1,000,000- 2,000,000 inhabitants: 19 members
- Provinces with more than 2,000,000-3,000,000 inhabitants: 23 members
- Province with more than 3,000,000 inhabitants: 29 members

(2) Official population figures or estimates of each province will be prepared and provided to the IEC at least 90 days before the election date by Central Statistic Office.

Candidates:

Article 30.

(1) Candidates seeking to participate in the election of the members of a provincial council must submit their nomination papers to the IEC.

Political parties which have nominated candidates for election to the Provincial Council must use the same name and logo in the provincial council elections as in the Wolesi Jirga elections.

Political parties may nominate a number of candidates in each province up to 100% of the number of seats to be filled on the provincial council. All candidates to the provincial councils must pay a fee established in article 44(5) of this law.

Candidates to the provincial councils shall not:

Pursue objectives that are opposed to the principles of the holy religion of Islam and the word and spirit of the Constitution;

Use force, or threaten with, or propagate the use of, force;

Incite ethnic, linguistic, regional or religious tension and discrimination;

Create a real danger to the rights or freedoms of individuals or intentionally disrupt public order and security;

Have non-official military forces or be part of them;

Receive funds from foreign sources

Receive funds from internal illegal sources

(5) Candidates for provincial council elections must reside in the province they seek to represent.

(6) Candidates for Wolesi Jirga elections can also stand for election to their respective provincial council, but cannot be a member of the Wolesi Jirga and the provincial council at the same time.

Allocation of Seats to Provincial Councils:

Article 31.

1) Seats on each provincial council are determined in the following manner

a. The IEC will determine the number of seats for each Provincial Council on the basis of the population

b. The most voted candidates will be elected for the provincial Councils.

c. The top two most voted female candidates in each provincial council shall be automatically elected. The remaining seats will be awarded to the most voted candidates irrespective of their gender.

2) If a candidate cannot occupy his/her seat or by any reason leaves his/her seat during the provincial council's period, the next most voted candidate of the same gender shall be awarded the seat for the remainder of the electoral term.

Part II

District Councils

District Councils:

Article 32.

There shall be a district council in every district elected through direct, free, universal and secret election by the voters of the district.

Composition of District Councils:

Article 33.

(1) The number of members of each district council will be determined according to population in the following manner:

- a) District up to 20,000 inhabitants: 5 members
- b) Districts with more than 20,000 to 40,000 inhabitants: 7 members
- c) Districts with more than 40,000 to 60,000 inhabitants: 9members
- d) Districts with more than 60,000 to 80,000 inhabitants: 11members
- e) Districts with more than 80,000 to 100,000 inhabitants: 13members
- f) Districts with more than 100,000 inhabitants: 15 members

(2) Official population figures or estimates of each district will be provided to the IEC at least 90 days before the election date by Central Statistic Office.

Candidates:

Article 34.

(1) Political parties and independent candidates seeking to participate in the election of the members of a district council must submit their nomination papers to the IEC.

(2) Political parties which have nominated candidates for election to the National Assembly or Provincial Council must use the same name and logo in the district council elections as in the Wolesi Jirga and provincial council elections.

(3) Registered Political parties may nominate a number of candidates in each district up to 100% of the number of seats to be filled on the district council.

(4) Candidates for district council elections must reside in the district they seek to represent.

(5) Candidates for Wolesi Jirga elections can also stand for election to their district council, but cannot be a member of the Wolesi Jirga, a provincial council, or a district council at the same time.

Nomination of Candidates to District Councils:

Article 35.

(1) Candidates for the district council elections can run as individuals or as part of a political party list.

(2) All candidates for district council elections must pay a fee established in article 44 (6) of this law.

Candidates shall not:

Pursue objectives that are opposed to the principles of the holy religion of Islam and the word and spirit of the Constitution;

Use force, or threaten with, or propagate the use of, force;

Incite ethnic, linguistic, regional or religious tension and discriminations;
Create a real danger to the rights or freedoms of individuals or intentionally disrupt public order and security;
Have non-official military forces or be part of them;
Receive funds from foreign sources;
Receive funds from internal illegal sources;

Allocation of Seats to District Councils:

Article 36

(1) Seat allocation for each district council is determined in the following way:

- a. The IEC shall determine the seats for each district council on the basis of that district population
- b. The IEC will allocate seats to the most voted candidates in each council

(2) The top two most voted female candidates in each district will get automatically elected. The remaining seats will be allocated to the most voted candidates irrespectively of their gender.

(3) If a candidate cannot occupy his/her seat or by any reason leaves his/her seat during the provincial council's period, the next most voted candidate of the same gender is given the seat for the remainder of the electoral term.

Chapter VIII

Preparation for Elections

Election Date:

Article 37

(1) The Independent Electoral Commission shall declare the date for each election after consultation with the government and registered political parties at least 90 days prior to the intended date of polling.

(2) The IEC shall prepare and publish an electoral calendar showing clearly all appointed dates of the election.

Voters Roll:

Article 38.

The IEC must certify the voters roll or the segments of the voters roll to be used in the election and make it available for inspection 15 days ahead of election in public places determined by the IEC.

Campaigning:

Article 39

(1) The IEC shall establish a 30-day period for political campaigning. This period shall ceases 48 hours before the commencement of polling.

(2) The IEC shall issue rules regulating the campaign period.

Establishing of Polling Centres, Provision of Electoral Materials, and Issuance of Instructions:

Article 40.

(1) The IEC shall establish polling centers all over the country and shall allot voters among such polling centers in such a manner as to facilitate voter access to the electoral process.

(2) The IEC shall furnish ballot papers, ballot boxes, voting compartments, seals and other required materials and make such other arrangements to facilitate voting as may be deemed advisable for effectively conducting the election.

Ballot Papers:

Article 41.

(1) The Independent Electoral Commission shall undertake the following tasks in relations to the ballot papers

The provision of the ballot papers

Provisions for allocation of symbols and drawings to candidates

Providing a procedure whereby such ballot papers are to be marked by voters;

Determining the languages to be used on ballot papers; and

(e) Providing a procedure for counting the ballot papers

(2) Specifying the order of candidates on the ballots through draw and lot.

Ballot Boxes:

Article 42

The Independent Electoral Commission shall undertake the following tasks in relations to the ballot boxes:

(a) Seek for and supply the design and material of ballot boxes, ensuring that each ballot box is capable of being securely closed and sealed.

The manner in which ballot boxes are to be marked and identified; and

The manner in which ballot boxes are to be closed, secured, opened, sealed, and unsealed.

Observers:

Article 43.

The Independent Electoral Commission shall state the rights and duties of observers and shall prepare procedures for accreditation of domestic and international election observers, and of agents of political parties and of independent candidates

Nomination of Candidates:

Article 44

(1) Political parties and candidates for election shall notify the IEC in writing of such intent at least 75 days prior to the election. Such notice shall contain the following items:

a. Name and address of the candidate

Copy of the candidate's voter registration card

Political party candidates must submit copy of the party registration with the Ministry of Justice

Sworn statement attesting to the candidate's date and place of birth, and citizenship

Acceptance of the nomination signed by the candidate

The candidate's or party's choice of symbol to appear on the ballot

(2) Nomination papers with the confirmed resignation must be filed with the Independent Electoral Commission at least 75 days before the elections.

(3) The filing fees for presidential candidate shall be Afghani 50,000 , which fees shall be refunded if the candidate receives at least 15 % percent of the valid votes cast in the first round of the election.

(4) The filing fees for all the Wolesi Jirga candidat shall be Afghani 15,000, which fees shall be refunded if the candidate is elected or receives at least 3 % percent of the valid votes cast in the respective constituency.

(5) The filing fees for all the provincial council candidate shall be Afghani 5,000, which fees shall be refunded if the candidate is elected or receives at least 3 % percent of the valid votes cast in the respective constituency.

(6) The filing fees for all the district council candidate shall be Afghani 3,000, which fees shall be refunded if the candidate is elected or receives at least 3 % percent of the valid votes cast in the respective constituency.

In addition to the fees candidates for either Presidential, Wolesi Jirga, Provincial or District Council, must be supported by the copies of voters' registration cards:

Presidential candidacy must be supported by the copies of (10,000) voter registration cards that include different ethnic groups and provinces of the country

Wolesi Jirga candidacy by the copies of 500 voters' registration cards

Provincial council candidacy by the copies of 300 voter registration cards

District council candidacy by the copies of 200 voter registration cards

No person will provide photocopy of his/her voter's card to more than one candidate in each type of election. The copy of the collected cards will be kept with the IEC secretly.

(8) The Independent Electoral Commission shall verify that candidates fulfill the conditions of eligibility established in the Constitution and in this law.

Disqualification of Candidates:

Article 45

(1) If a candidate is not eligible for office under the terms of the constitution and/or this law, the Independent Electoral Commission shall notify the candidate (and the nominating party, if any) of the reasons for finding the candidate ineligible within 7 calendar days of receiving complete nomination papers.

(2) The Independent Electoral Commission shall give a party or independent candidate the opportunity to rectify any deficiency within 7 days.

(3) Following the nomination deadline and the examination of the nomination papers, the Independent Electoral Commission shall publish the names of all eligible and duly nominated candidates.

Objection to or Refusal of Candidates:

Article 46.

(1) Any person may object to the nomination of a candidate that the candidate is not qualified to stand in the election.

(2) The objection, listed in clause (1) of this Article must be made to the IEC by a date fixed by the IEC. The IEC shall after making the necessary inquiries about the objection take a decision and inform the parties of that decision.

(3) If a candidate decides to reject his nomination, the IEC will make decision regarding this and allow the candidate or registered political party an opportunity to comply with the requirements for nomination at any time prior to the deadline for the IEC to compile and exhibit the list of eligible candidates.

List of Eligible Parties for Electoral Campaign and Final List of Candidates:

Article 47.

At least 60 days before the election date, the IEC must compile and exhibit a final list of the eligible registered political parties and independent candidates

Appropriate lists shall be posted at polling places on polling day.

Removal of Campaign Material:

Article 48.

The Independent Electoral Commission shall order the removal of campaign materials displayed within 100 meters of polling sites on polling day.

Prohibition of Carrying Arms at Polling Stations:

Article 49.

Except with the authorisation of the Ministry of Interior for the purpose of providing security at and in the close vicinity of a polling station, a person shall not carry or use any weapon of any kind, or any instrument capable of use as a weapon, at or within 500 meters of any polling site

Commencement and Closing of the Poll:

Article 50.

(1) Voting at all polling stations shall commence and shall close at times to be fixed by the IEC.

Voting shall be conducted in accordance with procedures prepared by the IEC.

(3) The Chairperson of a polling center shall order a suspension of polling if the polling station is threatened by riot, violence, storm, flood, or any other occurrence which will make the proper conduct of polling impossible.

(4) The Chairperson, before closing the voting at the polling station at the time fixed under sub article (1) of this Article, shall mark the end of the line at closing time and shall permit every voter who is waiting in line at the polling station, to cast his or her vote.

(5) The IEC shall ensure that measures are taken to facilitate the vote of persons with disabilities.

Objections Concerning Voting:

Article 51

(1) Before a voter has been handed a ballot paper, a candidate agent may object to that voter being entitled to vote or to vote at the voting center concerned.

(2) The Chairperson shall determine whether to accept such objection and shall note the particulars of the objection and his/her reason for rejecting or accepting the objection in the official act of polling day.

Sealing of Ballot Boxes and Other Material by Chairperson:

Article 52

(1) As soon as the ballot box is full or balloting has ended, the Chairperson, in the presence of any candidate agents and election observers, shall seal the box in the prescribed manner and allow any candidate agents who may wish to do so, to record the number of the seals.

(2) The Chairperson shall deliver the ballot boxes and packets to the counting center in accordance with the IEC's instructions.

Place and Time of Counting of Votes:

Article 53

Votes shall be counted at counting centers as established by the IEC.

Presentation and Certification of Results:

Article 54.

The IEC is responsible for the presentation of the election results which must be published in the Official Gazette.

Fair and Neutral Publication and Dissemination of Ideas:

Article 55

During the election campaign, in order to ensure that the general public is informed of the political platforms, the views and goals of candidates in a fair and unbiased manner, the mass media (television, radio, and newspaper) shall conduct its news broadcasts and other programs

covering the electoral campaign in accordance with the Code of Conduct established by the IEC.

Candidates should have access to State owned media. For the purpose of public awareness during the campaign period, the government media shall broadcast the views, goals and objectives of candidates by approval of IEC in an impartial and fair manner.

Media Commission:

Article 56

The Independent Electoral Commission shall set up, at least 60 days prior to the election date, a Media Commission to monitor the fair reporting and coverage of the electoral campaign and advise it on any breaches of fair reporting and coverage of the election campaign and of any breaches of the provisions of the code of conduct (procedures) for the elections relating to the media during the election campaign. Following the recommendation of the MC, the IEC may issue a public reprimand of the media involved in breaching or refer the matter to the Director of Public Prosecution.

Chapter IX

Investigation of Complaints and Offences Inquest

Electoral Complaints:

Article 57

(1) Complaints regarding voting procedures raised at the polling station should be resolved unanimously by the polling station committee in question. If unanimity cannot be reached the two-third majority decision prevails.

(2) Complaints regarding counting and results of presidential and national assembly elections should be raised at the time when the counting is done, or the results are being announced. If the complaint is not resolved by the corresponding authority by unanimity, then an appeal can be made to the Provincial Electoral authority within 48 hours after the counting of election results. The Provincial Electoral authority should resolve the matter within 3 days from receiving the complaint. An appeal can also be made within the next 48 hours before the IEC, who shall resolve the matter within 7 days of receiving the complaint. The decision of the Independent Electoral Commission is final and binding.

Electoral Offences:

Article 58.

(1) A person who commits any of the following actions during campaign or election will be subject to prosecution:

Threatens or intimidates a voter or a candidate or causes a disturbance of the electoral process;
Prevents the presence of voters, candidates or their agents in the polling stations without due cause;

Commits fraud or cheating in voting or vote counting

Votes with and/or through a false card or through the card of another person;

Changes, replaces, steals, or destroys electoral documents;
 Manufactures false cards;
 Commits fraud in the voter registration card
 Attempts to use a forged voter registration card;
 Attempts to vote more than once;
 Opens and/or breaks the padlock of a secure storage location, or the lock or seal of the ballot boxes without due authority;
 Impedes voters or candidates from participating in the electoral process;
 Makes use of funds originating in illegal activities or from foreign sources
 Uses insulting speech
 Encourages or provoke other persons to commit any of the actions before

(2) The IEC may sanction political parties or independent candidates if it determines that a party or an independent candidate directed or sanctioned electoral offences committed by individuals.

(3) Where the Independent Electoral Commission believes that an infraction has taken place it shall refer the matter to the relevant law enforcement or prosecutorial authorities, giving the reasons for its request.

Chapter X

Miscellaneous

Postponement or Suspension of Election:

Article 59

In case the security, financial and technical conditions and unpredictable events cause the holding of elections impossible or as a whole damage the legitimacy of elections, the IEC may postpone or suspend the polling in concern constituency until elimination of the barrier.

Preparing rules and regulations:

Article 60

- (1) The provisions of this law shall apply only to the first presidential, national assembly, provincial council and district council elections.
- (2) In order to better implement the provisions of this law, the Independent Electoral Commission shall issue separately regulations, procedures, and guidelines.

Chapter XI

Elections During the Transitional Period

Article 61.

For the preparation, organization, conduct and oversight of the first electoral processes, which will mark the completion of the transitional period, the Islamic Transitional State of Afghanistan has requested the support of the United Nations inter alia through the establishment of the Joint Electoral Management Body (JEMB), with the participation of

international experts appointed by the United Nations as provided for in Decree No 110 of 18 February 2004. Until the end of the transitional period, the JEMB shall exercise all the powers of the IEC as laid down in this law. The IEC, after its creation, will replace the Interim Electoral Commission within the JEMB. Upon completion of the transitional period, the IEC will assume all the powers of the IEC under the law. Until that time, decision-making in the JEMB and the voting rights of the international members will remain as defined in decree No 110.

Effective Date:

Article 62

This law shall come into effect from the date of its signature and is to be published in the Official Gazette, and after its coming into force, rules contrary to this law shall be annulled.

B. The Law on Mass Media

In The Name of Allah The Most Compassionate and The Most Merciful

The Law on Mass Media

Chapter One

General Provisions

Article One:

This Law has been enacted in accordance with Article 34 of the Constitution and Article 19 of the International Covenant of Human Rights for ensuring the freedom of thought and expression and for regulating the activities of mass media in the country.

Article Two:

The objectives of this law are as follows:

To promote and support the right to freedom of thought and expression, and to defend the rights of journalists and ensure the conditions for their free operation.

To promote and develop free, independent and pluralistic media.

To provide an appropriate environment for the citizens of the country to express their thoughts and feelings through speech, writing, drawing, pictures, recording, acting, movement and other scientific, artistic, literary means, including printing and broadcasting.

To observe the right to freedom of expression and mass media contained in the Universal Declaration of Human Rights, taking into account the true religion of Islam.

To support the proper development of mass media in a way that it becomes an effective means for promoting culture in the country, and reflecting public opinion honestly and usefully.

Article Three:

The following terms in this law shall have the following meanings:

Media: Means or instrument of disseminating information using the following media:

Visual: drawing, picture, postcard and poster.

Audio-visual: radio, television, cable network and picture mobile.

Information media: information and press agencies.

Press: shapes and letters printed in a way conveying a meaning or picture, and includes all mass media such as newspaper, gazette, magazine, booklet, book, preaching outlet as well speech and statement.

Mass Media: is divided into the following categories in this law:

State-run mass media: The media that belongs to state offices, funded and equipped by such offices.

Organizational mass media: The media that belongs to political, economic, social and cultural organizations and are funded and equipped by them.

Journalist: a professional person engaged in seeking, obtaining or imparting information through a news media.

Printing House: an economic, technical and incorporeal organization in which newspapers, magazines, books, gazettes, announcements, posters and postcards are printed.

Printer: a natural or legal person who, by ownership or representation, is immediately in charge of printing house affairs.

Publisher: a natural or legal person authorized to print and publish a non-periodic work.

Proprietor: natural or legal persons who are engaged in printing and publishing periodical printed media, and establishing radio, television, cable network, news agency and a printing house.

Editor-in-chief: a person who has the immediate responsibility of managing affairs related to the media mentioned in paragraph 8 of this article.

Publishing: is an action through which the message of printed media, broadcast and audio-visual media is conveyed to the public.

Radio: is a means of audio mass media.

Television: is a means of audio-visual mass media.

Cable Network: is reflective audio-visual mass media that transmits different international informative, educational, cultural and entertainment programmes to the subscribers through satellite connection.

Chapter Two

Rights and Obligations

Article Four:

Every person has the right to freedom of thought and expression. This right includes seeking, obtaining and disseminating information and views without interference and restraints by government officials. It also includes freedom of expression and means of broadcast, dissemination and seeking information.

The government shall support and strengthen the freedom of mass media. No natural or legal person, including the government and government offices, can ban, prohibit, censor or restrict the activities of mass media or otherwise interfere in the affairs of mass media and informative broadcasting. The Media Evaluation Commission mentioned in Article 42 of this law is an exception to this provision.

Article Five:

Every person has the right to seek and obtain information. The government shall provide the information sought by citizens, except when the information sought is a military secret the disclosure of which would endanger national security and interests.

Article Six:

Journalists shall be protected by the law in conducting their professional activities, including publishing critical reports and views.

Journalists shall have the right to avoid disclosing their sources of work, unless an authorized court orders the disclosure thereof.

Article Seven:

To defend their class interests, journalists and other members of mass media may establish independent associations according to provisions of the law.

Article Eight:

The citizens of the country can establish the means of mass media contained in Article (3), according to provisions of this law.

Foreign political agencies, international organizations and their representatives in Afghanistan can print and publish news bulletins, observing diplomatic norms and after obtaining permission from the Ministry of Information and Culture.

Chapter Three

Printed Media

Article Nine:

Citizens of the country, political parties, registered national organizations and foreign emigrants may, according to provisions of this law, establish printed media. Newspaper, periodic publication, and other printed media can be established without prior permission.

Publications with a circulation of less than (200) copies shall not be subject to the provisions of article (13) and (28) of this law and shall not require prior permission and registration.

Article Ten:

The founder of a printed media, when registering his publication, shall provide the following information to the Ministry of Information and Culture:

1. Full identification and residential address of the applicant.
2. Name of the publication and the place of printing.
3. The language in which the publication is published.
4. The source of funding and the amount of capital invested.

Article Eleven:

Printed media shall contain its name, specified address, location of printing, the name of proprietor, editor-in-chief and the date of publication.

Article Twelve:

The original version of a publication shall bear the identity and signature of the author.

Article Thirteen:

According to the provision of this law, every printed media shall have a proprietor and an editor-in-chief.

Chapter Four

Printing Houses

Article Fourteen:

Citizens, political parties of the country and government offices may establish printing houses, provided that they have obtained a license from the Ministry of Information and Culture.

Article Fifteen:

Subject to the provisions of Article 24 of this law, the applicant for a license to establish a printing house shall provide the following information to the Ministry of Information and Culture:

Full identity and place of residence.

Name and location of the printing house.

Language in which the printing takes place.

The types and variety of machinery and printing equipment.

The source and the amount of capital invested for the establishment of the printing house.

Article Sixteen:

The transfer of ownership of a printing house is permissible. The person to whom the ownership is transferred shall re-adhere to the provisions of article 24 of this law.

Article Seventeen:

The start or continuing of a printing house without a proprietor and an editor-in-chief shall not be permissible.

Article Eighteen:

Citizens of the country, political parties, and social organizations that do not have their own printing house, shall have the right to use state-run and private printing houses according to financial and accounting regulations of the concerned printing house.

Chapter Five

Audio –Visual Media

Article Nineteen:

Citizens of the country, political parties, social organizations and other state-run and private organizations shall have the right to establish audio-visual media in accordance with the provisions of this law.

Article Twenty:

In order to better regulate the activities of audio-visual media, the National Commission of Radio & Television Broadcast, comprising of five members, shall be established.

The Chairperson and members of the National Commission of Radio & Television Broadcast shall be appointed by the President for a period of two years, the Commission's tenure may be extended as required.

Article Twenty-One:

(1) The National Commission of Radio & Television Broadcast shall have the following duties and authorities:

Issuing licenses and allocation of frequencies to radio and television systems in accordance with existing standards.

Issuing professional guidelines to political parties for their use of radio and television.

Issuing essential guidelines to owners of electronic media in consultation with media directors and civil society.

Monitoring the implementation of the provisions of this law by mass media.

Determining broadcasting policy of the state-run radios and televisions.

(2) The National Commission of Radio & Television Broadcast is an independent entity and shall report to the President of its activities.

Article Twenty-Two:

The applicant for establishing mass audio-visual (Radio and Television) media shall in order to obtain a licence provide the following information to the National Commission of Radio & Television Broadcast:

Full identity and place of residence.

Name and location of the audio -visual media operation.

Type of the audio-visual media.

Goals and objectives of broadcasting.

Source and the amount of capital investment.

Quantity and quality of machinery and equipment.

Article Twenty-Three:

Every audio - visual media shall have a proprietor and an editor-in-chief in accordance with the provision of this law.

Chapter Six

Conditions and the obligations of the proprietor

Article Twenty-Four

The proprietor of a mass media shall meet the following conditions:

Must hold a citizenship document of the country.

Must have completed 18 years of age.

Must not be deprived of civil rights by an order of an authoritative court.

Article Twenty-Five

The proprietor of audio - visual and printed media shall register his media in accordance with the conditions provided in this law.

If the publication is published before registration, the proprietor shall register his media within one week, in accordance with the provisions of this law.

Article Twenty-Six:

If the proprietor considers the decision of the Ministry of Information and Culture not to register or issue a license is in violation of the provisions of law, he may refer the case to Media Evaluation Commission. If not satisfied, the proprietor can bring an action before a court.

Article Twenty Seven:

The transfer of the ownership of a publication office, mass media, and of copyrights is permissible. The person to whom the ownership or the right is being transferred shall re-adhere to the provisions of articles 24 and 28 of this law.

The right to establish a publication office and mass media and the right to print and publish shall belong to the proprietor. If the right is being transferred to other persons, the provisions of articles 24 and 28 of this law shall re-apply.

Article Twenty-Eight:

The editor-in-chief shall, in the meantime, be responsible for publications of his media.

Chapter Seven

The conditions and obligations of the Editor-in-chief

Article Twenty-Nine:

The editor-in-chief shall meet the following conditions:

Must hold a citizenship document of the country.

Must have completed eighteen years of age.

Must hold a certificate of professional education, or at least three years experience in journalism.

Must not be deprived of civil rights by an order of an authoritative court.

Must not have official employment with the government, unless the relevant publication is state-owned.

Article Thirty:

The editor-in-chief shall observe the equal rights of the person criticizing and of the person being criticized in the relevant media.

Chapter Eight

Prohibited publications

Article Thirty-One:

The publication of the following subjects shall not be allowed in the mass media:

Subjects that are contrary to principles of Islam and offensive to other religions and sects.

Subjects that lead to dishonoring and defamation of individuals.

Chapter Nine:

Penal provisions

Article Thirty-Two:

The proprietor shall be responsible for his acts contrary to the provisions of this law.

Article Thirty-Three:

The natural or legal persons that embark on establishing and convening mass media in the Afghan territory, neglecting the provisions of this law shall be sentenced to cash fine.

Should the founder or convener of the mass-media be a natural person, shall be sentenced to cash-fine as set out below:

Television: fifteen thousands (15,000) Afghanis.

Radio: ten thousands (10,000) Afghanis.

Information Agency: ten thousands (10, 000) Afghanis.

Should the founder or the convener of the mass-media be an legal person, it shall be sentenced to cash-fine as set out below:

Television: seventeen thousand (17,000) Afghanis.

Radio: twelve thousand (12, 000) Afghanis.

Cable Network: thirty-four thousand (34, 000) Afghanis.

Information Agency: twelve thousand (12, 000) Afghanis.

Article Thirty-Four:

The editor-in-chief can avoid disclosing the name of the author. In this case, the responsibility arising from the publication of the subject is directed towards the editor-in-chief.

Critical articles may be published in periodical publications under a fictitious name of the author. If the name and identification of the author is known to the editor-in-chief, the editor-in-chief shall bear the responsibility for the article or work.

Article Thirty-Five:

If an author is found guilty under the provisions of this law, he/she shall be prosecuted as the perpetrator of the offence, and the editor-in-chief shall be regarded as the accomplice.

If the author is unknown, only the editor-in-chief shall bear the responsibility for the publication.

Article Thirty-Six:

If the author is sentenced to cash-fine, he/she shall pay the amount within one month from the date of sentence, according to the provisions of law.

Chapter Ten

Final provisions

Article Thirty-Seven:

Citizens of foreign countries may produce cinematographic films in Afghanistan, provided that they have obtained prior permission from the Ministry of Information and Culture.

Article Thirty-Eight:

The activities of mass media shall be regulated by a constitution covering their objectives, duties, authorities, structures and financial affairs.

Article Thirty-Nine:

The Ministry of Information and Culture shall provide possible facilities for the free operation of local and foreign mass media.

Article Forty:

The proprietors and editors-in-chief of mass media that have commenced their activities prior to the enforcement of this law shall adhere to its provisions, within two months from the date of its enforcement.

Article Forty-One:

Printing and publication of text and scientific books for schools and higher educational, research and professional institutions shall not be subject to provisions of this law.

Article Forty-Two:

1. In order to investigate the violations contained in this law, an Evaluation Commission with the following structure, shall be established with the Minister of Information and Culture as chairperson:

A representative of Afghanistan Academy of Sciences, as member,

Two representatives Faculty of Journalism, as members,

A representative of Afghan Independent Human Rights Commission, as member,

Two representatives of Journalists Union, as members.

2. The Commission prescribed in paragraph (1) of this article shall investigate the violations stated in this law. Whenever the case requires juridical prosecution, it shall be referred to a judicial authority for further proceedings.

Article Forty-Three:

This law shall come into force from the date of endorsement and shall be published in the Official Gazette. Upon its enforcement, the previous Media Law published in the Official Gazette, No. 800; dated 18 Hout 1380 (Afghan Calendar) shall be abolished.

XII. List of important website

- Afghanistan Independent Human Rights Commission (AIHRC) <http://www.aihrc.org.af/>
- Afghanistan Information Management Service (AIMS) <http://www.aims.org.af/>
- Afghanistan's New Beginnings Programme (ANBP) <http://www.anbpafg.org/>
- Berlin Conference <http://www.af/re costing/berlinconference.html>
- Constitution of Afghanistan <http://www.af/constitution/index.html>
- Election Results on JEMB <http://www.results.jemb.org/home.asp>
- Islamic Republic of Afghanistan <http://www.af/>
- Ministry of Foreign Affairs: www.afghanistan-mfa.net
- Joint Electoral Management Body (JEMB) <http://www.jemb.org/>
- London Conference on Afghanistan
<http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1132599285324>
- UN Assistance Mission in Afghanistan (UNAMA) <http://www.unama-afg.org/>
- UN Development Programme (UNDP) <http://www.undp.org.af/>
- UN Office for Project Services – Afghanistan <http://www.unops.org.af/>
- UN Security Councils Resolutions on Afghanistan http://www.unama-afg.org/docs/_UN-Docs/_sc/resolutions.htm
- UN General Assembly Resolutions on Afghanistan http://www.unama-afg.org/docs/_UN-Docs/_ga/resolutions.htm

XIII. Annexes to the report

Afghanistan: Basic Facts

These are excerpts taken from UN Office for Project Services^{lvii}

Population

- 29,928,987 as of July 2005 est.
- 44.7% are under age 14
- Life expectancy rate: 42.9 years
- Infant mortality: 163.07 deaths per every 1,000 live births

Currency

The main unit of currency is the Kabuli Afghani (Afs), which is divided into 100 poul. Check the UN Mission office for the present UN operational rate of exchange. As of 1 April 2005, the exchange rate was fluctuating between 45 and 50 Afs to the dollar. The bazaar rate may be different and can vary from one regional center to another.

Another currency, the Junbishi Aghani, is circulated in various parts of northern Afghanistan. Its value is roughly half that of the Kabuli Afghani.

Religion

- Islam: mostly Sunni, with a large Shi'a minority.
- Others include Hindu, Sikh and Bahai

Time Zone

GMT + 4.5 hours

Geography

Situated in south-central Asia, Afghanistan is a landlocked country with a total area of 652,000 square kilometers – approximately the land area of the Iberian peninsula or the U.S. state of Texas. The Hindu Kush mountain range is a dominant physical feature. It traverses the country from the northeast to the southwest, gradually diminishing in height towards the west. The altitude varies greatly from the far-eastern peaks that reach more than 7,000 meters above sea level to the low-lying deserts of the south and southwest. The great plateau, in central Afghanistan, is about 1,800 meters above sea level. Natural hazards include damaging earthquakes in the Hindu Kush mountains, flooding and droughts. The country is divided into 32 administrative regions or provinces.

Languages

Pashtu, Dari (dialect of Persian), Turkic languages (Uzbek and Turkmen), 30 minor languages, including Balochi and Pashai.

Dari is spoken in the central, western and northern parts of the country as well as most urban centers.

Pashtu is used more in the eastern and southern provinces.

English is not common, especially in rural areas.

Literacy Rate (age 15 and over that can read and write):

Total population: 36%

Male: 51%

Female: 21% (1999 est.)

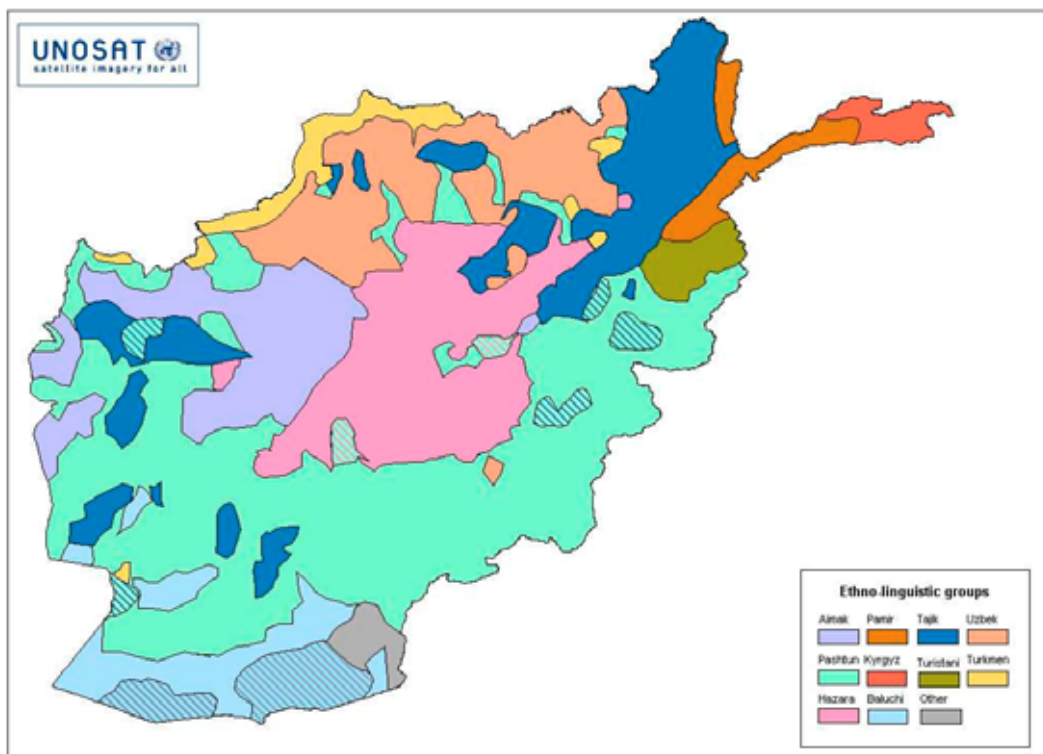
Economy

Afghanistan is an extremely poor, landlocked country, highly dependent on farming and livestock raising (sheep and goats). Its natural resources include natural gas, petroleum, coal, copper and other minerals. Only 12% of the land can be farmed and soil degradation and deforestation remain a problem.

Economic considerations have played second fiddle to political and military upheavals during two decades of war. Gross domestic product has fallen substantially over the past 20 years because of the loss of labor and capital and the disruption of trade and transport. Severe drought has added to the nation's difficulties between 1998 and 2005.

The majority of the population continues to suffer from insufficient food, clothing, housing and medical care. Inflation also remains a serious problem. Numerical data on the economy are likely to be either unavailable or unreliable.

Ethno-Linguistic Groups Map

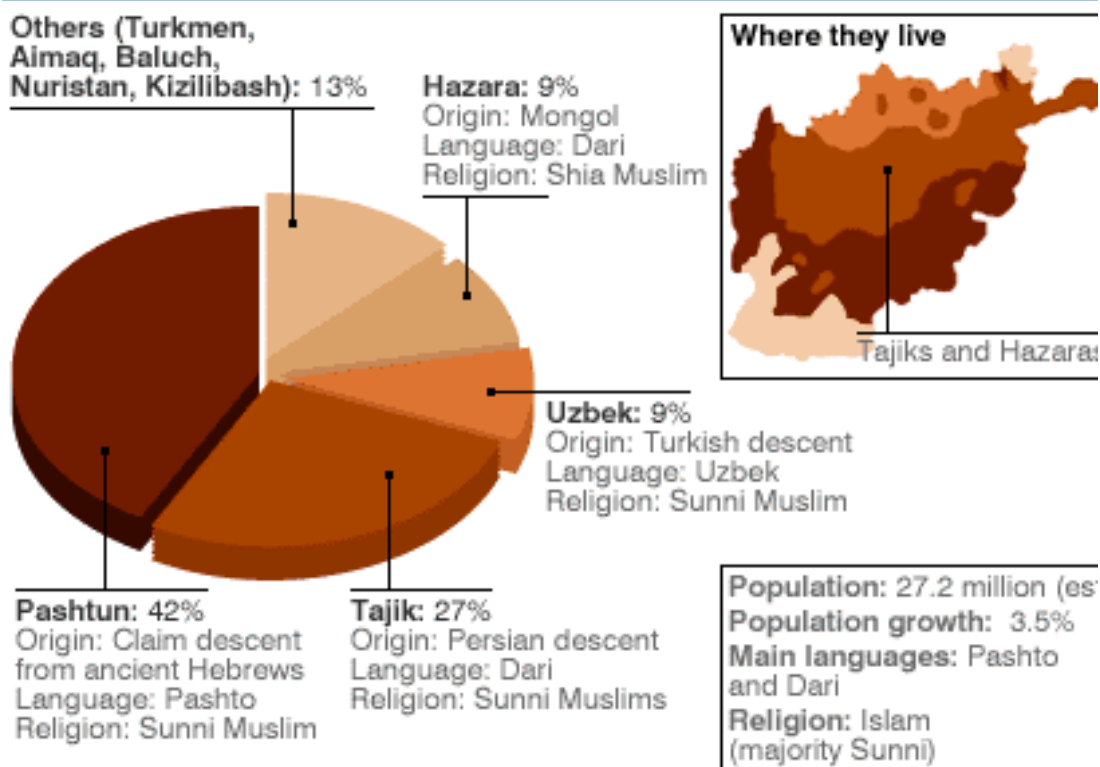


Source: UNOSAT

http://unosat.web.cern.ch/unosat/freeproducts/afghanistan/ethno_linguistic.jpg

Population Breakup

AFGHANISTAN'S POPULATION



Source: CIA World Factbook 2004, American Red Cross, U

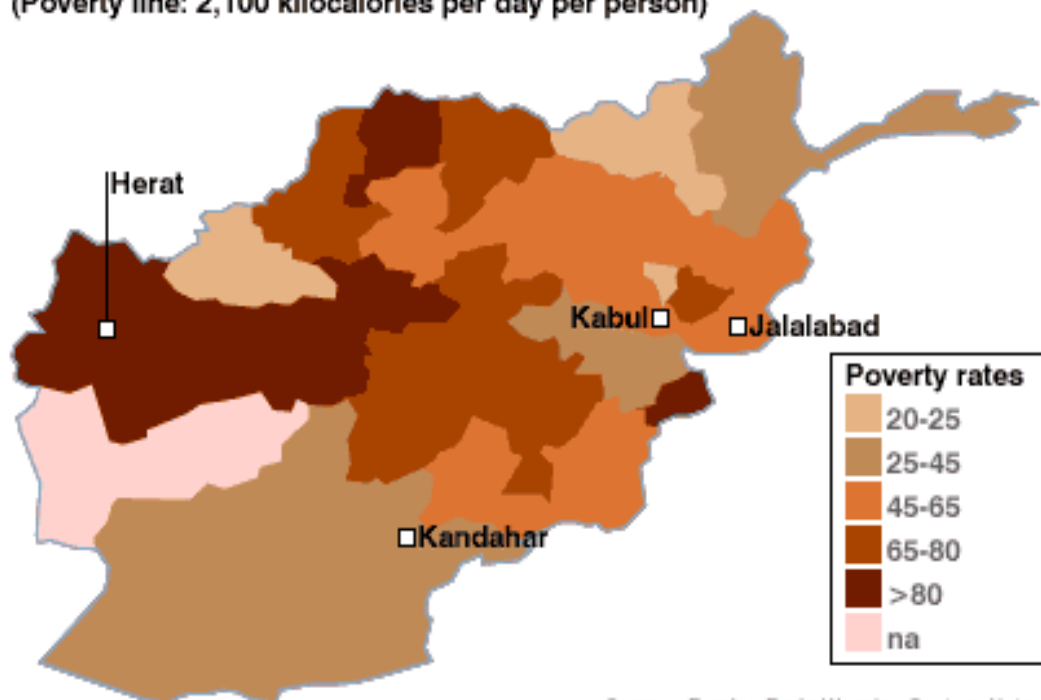
Source: BBC

http://news.bbc.co.uk/2/shared/spl/hi/in_depth/afghanistan_elections/html/1.stm

Percentage of People Living Below Rural Poverty Line (2004)

PERCENTAGE OF PEOPLE BELOW RURAL POVERTY LINE (FEB 2004)

(Poverty line: 2,100 kilocalories per day per person)



Source: Famine Early Warning System Network

Source: BBC

http://news.bbc.co.uk/2/shared/spl/hi/in_depth/afghanistan_elections/html/2.stm

Government Outline

Executive

President

- Elected by direct vote
- Commander in chief of the armed forces
- Can only be elected for two five-year terms
- Is head of government and head of state

Two vice-presidents

Cabinet

- Appointed by president
- Approved by national assembly

Legislature

National Assembly (two chambers)

Wolesi Jirga (House of the People)

- Up to 250 seats
- Directly elected
- Five-year terms

Meshrano Jirga (House of Elders)

- One rep from each provincial council
- One rep from each district council
- Number of presidential appointees

Judiciary

Stera Mahkama (Supreme Court)

- Nine judges serve 10-year terms
- Appointed by president and approved by Wolesi Jirga

High Courts

Appeal Courts

Source: BBC

http://news.bbc.co.uk/2/shared/spl/hi/in_depth/afghanistan_elections/html/7.stm

Key Afghan players: Who's Who

Hamid Karzai

Hamid Karzai, who was sworn in as Afghanistan's first elected president in December 2004, is a moderate Pashtun leader from Kandahar. A charismatic and stylish member of the influential Popolzai tribe, he has built up a considerable international profile, especially in the West and is backed by the United States. But some at home view his closeness to America with suspicion and distrust.

He initially supported the Taliban but hardened against them after the assassination of his father, a former politician, for which the Taliban was widely blamed. Some of President Karzai's opponents have turned down government positions and vowed to form a 'solid opposition'.

They have aimed to secure seats in the country's new parliament which could pose a serious challenge to Mr Karzai. President has declined to form his own political party. His main tasks still remain trying to curb the power of warlords, many of whom, people say, will be trying to get a seat in the parliament.

Mr Karzai's other challenging tasks include fighting drug-trafficking, pressing other countries to honour pledges of aid and building up Afghanistan's own security forces.

Yunus Qanuni

A former minister, Mr Qanuni is a leading figure in the Northern Alliance which helped the US overthrow the Taliban in 2001. Mr Qanuni mysteriously resigned from his post as interior minister in the 2002 emergency Loya Jirga. He was then made minister of education and president's special advisor on national security.

In the presidential election in 2004, he secured the backing of the then powerful defense minister, Marshal Mohammad Fahim, who was dropped by Mr Karzai as his running mate. He consequently secured second place, but he was far behind Mr Karzai. Mr Karzai dropped him from the cabinet in his December reshuffle.

General Rashid Dostum

The Uzbek general was one of the most high profile candidates to challenge President Karzai in the presidential elections in October 2004. The warlord is based in northern Afghanistan, from where he still heads the Junbesh-e Melli Islami (National Islamic Movement), a predominantly Uzbek militia faction.

The veteran of many wars, he has displayed an uncanny ability to switch sides and stay on the right side of those in power. In the 1980s Gen Dostum backed the invading forces of the Soviet Union against the mujahideen rebels. He then played a prominent role in the civil war that destroyed much of the capital Kabul and left thousands dead.

In 2001, while helping the United States, his militias were accused of suffocating hundreds of Taliban prisoners to death by locking them inside shipping containers. Earlier this year he was appointed the chief-of-staff to the commander of the armed forces in an attempt to win his support for the parliamentary elections. Given his military power, Gen Dostum is seen as a major influential figure among the Uzbek Afghans in the north of the country.

Burhanuddin Rabbani

A former Afghan president, Mr Rabbani remains an influential Tajik figure although he is not a frontline political player. He heads the conservative Jamiat-e-Islami, which was the largest political party in the Northern Alliance that helped sweep the Taleban from power in 2001. The Jamiat-e-Islami party was expected to field a significant number of candidates.

Marshall Mohammed Qasim Fahim

One of the most powerful men in the country, commanded thousands of men loyal to the Tajik-dominated Northern Alliance that helped topple the Taleban in late 2001. He was widely expected to be named as one of President Karzai's running mates in the presidential poll, but ended up backing the main challenger, fellow Tajik Yunus Qanuni.

He was head of intelligence of the Northern Alliance and succeeded General Ahmad Shah Masood, who was assassinated shortly before the 11 September attacks on the US. Held the powerful post of defence minister in Mr Karzai's interim administration, but has no position in the current cabinet.

General Atta Mohammad

An arch rival of General Dostum. Their bitter history goes back to the days of the Soviet occupation, when they fought on opposite sides. A former teacher, Gen Atta briefly joined forces with Gen Dostum to recapture Mazar-e-Sharif from the Taleban in 2001. For now, he remains a key regional player in Afghanistan with considerable influence.

Mohammed Mohaqiq

Planning minister in the interim Afghan government, Mr Mohaqiq performed well to finish third behind Mr Karzai and Mr Qanuni in the presidential election in 2004. He did not keep his post in the new Karzai cabinet.

A member of the minority ethnic Hazara community, he hails from Mazar-e-Sharif and teamed up with General Dostum and Atta Mohammad to free the city from the Taleban in 2001.

He had considerable support among the Shia Hazaras, many of whom fought under his command. He is running for the parliament and is expected to do well in his Hazara constituency.

Gul Agha Sherzai

Within hours of the Northern Alliance taking Kabul in 2001, Mr Sherzai led a force of men across the border from the Pakistani city of Quetta towards Kandahar, the city he ruled before the Taleban took power in 1994.

In December 2004, Sherzai was reappointed as governor of Kandahar with an added, though symbolic, portfolio of minister adviser to Karzai. His reappointment became controversial and human rights have accused Mr Sherzai of involvement in the drugs trade. Earlier this year, he was made governor of Nangarhar province, replacing Haji Din Mohammad.

He is still believed to command considerable loyalty among the Pashtuns back in Kandahar where the Taleban still have some support.

Ismail Khan

The former governor of Herat is a powerful regional leader and President Karzai's move to replace him last September was met with violent protests. But he subsequently became energy minister in the reshuffle of late 2004, a cabinet appointment that had been rumoured for weeks.

Known as the Lion of Herat, he has often been accused of running the wealthy western province as his personal fiefdom. Visitors describe Herat as clean, orderly, safe and liberal - all of which is credited to Ismail Khan. Ismail Khan is a veteran and legendary Tajik commander who freed Herat from Soviet control, and became a thorn in the side of the Afghan communist government.

Threatened by the Taleban, he drove them back towards Kandahar, only to expose himself by overstretching his forces. When the Taleban finally took over Herat he was handed over to the Taleban by Gen Pahlawan after a deal in 1997. He escaped from Taleban three years later. Despite his absence from Herat, he is still said to have significant support in the province.

Masooda Jalal

The only female candidate in the October 2003 presidential elections, Dr Jalal was the subject of much media attention. A qualified paediatrician from Kabul, she was treating children when the Taleban came to power in 1996 and stopped women from working. Ms Jalal made her presence felt when she challenged President Karzai in the first loya jirga (grand council) after the Taleban were ousted.

She was appointed minister for women's affairs in December 2004. Many analysts believe Dr Jalal's appointment has encouraged other women to participate in the process.

Shahnawaz Tanai

A former communist general, Shahnawaz Tanai, 54, recently returned to Khost province to make a political comeback. He was Afghan chief of staff and then defence minister during the Soviet occupation in the 1980s. Gen Tanai led a coup in 1990, with the renegade mujahideen commander, Gulbuddin Hekmatyar, against the then president Najibullah.

The coup failed and Gen Tanai fled to Pakistan where he lived in exile until August this year. Shahnawaz Tanai's Afghanistan Peace Movement party - jointly with two other parties - is believed to be fielding a significant number of candidates around the country.

Sayed Muhammad Gulabzoi

A former communist general, Mr Gulabzoi took part in the overthrow of King Muhammad Zahir Shah in 1973. Gen Gulabzoi was one of the key members of the Khalq faction of the communist party, People's Democratic Party of Afghanistan (PDPA). He was seen as a close aide of the communist leader, Nur Muhammad Taraki. He served as the interior minister for a long time during the Soviet occupation. Gen Gulabzoi lived in exile in Russia for 17 years.

Sayed Muhammad Gulabzoi, 54, has returned to the country to run in Afghanistan's parliamentary elections.

Abdul Rassoul Sayyaf

A former mujahideen leader, Mr Sayyaf was a member of the constitutional loya jirga held in 2002. Leader of Islamic Union for the Liberation of Afghanistan, he was the only anti-Taleban Pashtun leader to be part of the Northern Alliance. A hardliner, he is believed to have formed his party with Saudi backing. A former professor of Islamic law, Mr Sayyaf was the neutral chairman of the first rebel alliance in 1980. Abdul Rassoul Sayyaf was a major player in the civil war in 1992, which left vast areas of the capital, Kabul, in ruins.

Wakil Ahmad Mutawakil

Mr Mutawakil, 35, surrendered to the authorities in Kandahar in southern Afghanistan in February 2002. Before becoming the Taleban foreign minister in 1999, Mr Mutawakil had served as a spokesman and personal secretary to Taleban leader, Mullah Omar. Mr Mutawakil is the most senior Taleban figure to have been arrested by the Americans and then released.

He was held for three years, first by the Americans and then under house arrest in Kabul. Mr Mutawakil has always been described as the more respectable face of the Taleban. It was reported that Mr Mutawakil led a group of moderate Taleban who wanted Bin Laden to leave Afghanistan to avoid US reprisals against the regime.

After his release, Mr Mutawakil said he approved of girls' education, so long as it was in keeping with Afghan culture. Mr Mutawakil filed his papers in May in Kandahar saying he wanted to stand for parliamentary election but unconfirmed reports have suggested recently that he has changed his mind and may not stand.

Gulbuddin Hekmatyar

Leader of the Hezb-e Islami, Hekmatyar is a warlord who is in hiding - evading American forces - and is believed to be somewhere along the Afghan-Pakistan border. He is opposed to President Karzai and the US forces in Afghanistan and is blamed for carrying out several major attacks in the country.

The US labelled him a terrorist in 2003. Hekmatyar's Hizb-e-Islami was the strongest force during the years of Soviet occupation. This was largely because his party was the main benefactor of the seven official Mujahideen groups recognised by Pakistan and US intelligence agencies for the channelling of money and arms.

He later joined forces with General Dostum because he felt his power had been slighted by the Mujahideen administration which ran the country from 1992 to 1996. The fighting between him and Kabul's administration at the time, controlled by the slain Afghan commander, Ahmad Shah Masood, is said to have resulted in the deaths of more than 25,000 civilians.

Zahir Shah

The frail and ailing former monarch of Afghanistan was deposed by his cousin Daoud during a visit to Europe in 1973. He returned to his former country in 2002 after 30 years in exile. As

a Durrani Pashtun he has much support in the southern belt of Afghanistan and is still very popular.

Many Afghans are said to be dismayed that there has been no role for him in post-Taleban Afghanistan. The Taleban advocated the return of the king during their early days in 1994, but later reversed this position.

Foreign Forces

More than 12,000 soldiers drawn from more than 35 countries make up the International Security Assistance Force (Isaf) which is in charge of security, in the capital Kabul and some of the provinces. Around 18,000 US-led coalition forces are hunting for Taleban and al-Qaeda militants in southern and eastern Afghanistan.

They operate out of bases in Bagram, Kandahar, Gardez and a new base in Paktika province close to the Pakistan border.

Taleban

Supporters and remnants of the former hardline Taleban regime are still active in many parts of southern and eastern Afghanistan. Ousted in 2001, they have vowed to disrupt the parliamentary elections.

The Taleban are believed to have carried out numerous attacks on government forces, coalition forces, peacekeepers and aid workers. They have stepped up violence ahead of the parliamentary elections. More than 1,000 people have died in militant-linked violence in the country this year.

They first came to power in 1994 under the leadership of a village clergyman, Mullah Omar, who lost an eye while fighting the Soviets. Backed by Pakistan, they targeted the feuding warlords who had ousted the Soviets. They swept to power promising to restore order and bring in a pure and highly conservative interpretation of Sharia or Islamic law.

Their authoritarian regime, with strict Islamic punishments and harsh treatment of women, pushed them out of favour both at home and abroad. But it was their decision to host Osama bin Laden and his al-Qaeda members that brought them into direct conflict with the Americans and eventually led to their downfall.

Source: BBC http://news.bbc.co.uk/go/pr/fr/-/2/hi/south_asia/3706370.stm

Selected Important Events

The following events provide a glance at some of the important events in Afghan history^{lviii}:

- 1748 Afghan empire extends to Punjab, Baluchistan, Sind, and hence to the Arabian Sea.
- 1752 Kashmir conquered by Afghans.
- 1784 Modern state of Afghanistan was established.
- 1809 Shah Shuja (Sadozai) receives first European ambassador, Hon. Mountstuart Elphinstone, and signs Anglo-Afghan treaty.
- 1819-1826 Afghanistan divided into fiefdoms among competing Durrani families in Kabul, Kandahar, and Peshawar.
- 1819 Afghans lose Kashmir to Sikhs.
- 1823 Baluchistan and large parts of later Northwest Frontier Province lost to Afghan rulers.
- 1839-1842 First Anglo-Afghan war results in British puppet, Shah Shuja, on Afghan throne.
- 1849 Afghans regain control of north Afghanistan.
- 1855 Anglo-Afghan agreement to prevent Persian and Russian territorial incursions leads to Treaty of Peshawar.
- 1857 War for Indian Independence (Indian Mutiny) against British rule, in which Afghanistan remains neutral.
- 1865 Tashkent falls to czarist army.
- 1872 Anglo-Russian agreement on Afghan independence.
- 1878-1880 Britain invades Afghanistan fearing Russian dominance in Kabul. Second Anglo-Afghan war.
- 1879 Treaty of Gandamak gives British control of Khyber Pass.
- 1880 Abdul Rahman Khan returns from exile in czarist Tashkent to assume Afghan throne under British protection.
- 1881 Turkmens subjugated by czarist armies and governed as Khivan protectorate.
- 1868-1930s Central Asians flee to Afghanistan to avoid rule by “infidel” Russians, then atheistic Marxism.
- 1893 Durand Line fixed under British pressure as Afghan-British Indian boundary, though it divides ethnic Pushtuns in two.
- 1895 The Wakhan annexed by Afghanistan at British insistence to separate British and Russian empires.
- 1904 Habibiya College, first Western-style preparatory school opened in Kabul under royal patronage.
- 1905 Constitutional Revolution in Iran begins.

- 1907 The Anglo-Russian Convention of St. Petersburg declares Afghanistan a buffer state within the British sphere of influence. Afghanistan, not consulted, refuses to ratify treaty.
- 1914 World War I breaks out but Afghans remain neutral.
- 1916 Revolt in Central Asia against conscription for Russian war front.
- 1917 Russian Communist Revolution.
- 1919 Afghans fight third and last war with the British and gain complete independence.
- 1920 Soviet troops attempt to set up the Soviet Republic of Gilan in northern Iran.
- 1923 First Afghan constitution, based on Belgian, Turkish, and Iranian constitutions, is ratified.
- 1928 King Amanullah visits Bolshevik Moscow, first monarch to do so. Afghans receive military equipment.
- 1929 A Tajik from a mountain village declares jihad against the “infidel” Amanullah, captures Kabul, and declares himself amir (not king) Habibullah II Ghazi. Within nine months he is defeated.
- Moscow attempts to restore Amanullah through Soviet contingent disguised as “Afghan”. They captured Mazar-e-Sharif and Khulm.
- 1931 Nadir Shah opens Medical faculty in Kabul, with French professors, to become the first unit of Kabul University. Women admitted from the start.
- 1937 Soviet KGB sends young ethnic Central Asians into Afghanistan, under deep cover. Some are discovered and imprisoned.
- 1942 American Legation opens in Kabul, raised to embassy status in 1948.
- 1947 The British withdraw from Indian subcontinent but ignoring Pushtun nationalist demands for an independence option for Pushtunistan. Afghanistan becomes a founding member of the United Nations and protests Pakistan’s entry because of dispute over their mutual border in Pushtun tribal area.
- 1949 Kyrgyz tribesmen, of Russian Central Asian origin, refugees in China, settle in Afghanistan as Xinjiang (Chinese Central Asia) is absorbed into the communist sphere.
- 1950-1951 Afghan irregular forces cross into Pakistan with goal of planting Pushtunistan flag.
- 1952 Afghan-Soviet trade doubles as Afghanistan becomes importer of Uzbek and Tajik clothe.
- 1953 Sadar Muhammad Da’ud Khan replaces his uncle as prime minister in bloodless palace coup. In Iran, Muhammad Mossadegh is overthrown with help from the Central Intelligence Agency (CIA) and the Shah establishes control of Iranian politics until his overthrow in 1979 under Ayatollah Ruholla Khomeini.
- 1955 Pakistan-Afghan riots over Pushtunistan and Pakistan closes border to trade and transit. Nikita Khrushchev visit to Afghanistan results in US \$ 100 million development loan, secret military aid, Soviet support for plebiscite on Pushtunistan, and extension of Soviet-Afghan friendship treaty of 1931 for ten years.
- 1957 Chinese Prime Minister Chou En-lai visits Afghans as Sino-Soviet relations begin to cool.

- 1959 Women of royal family and high officials appear unveiled at Afghan national celebration, thus ending the practice of police-enforced veiling.
- 1961 Afghanistan becomes a charter member of the Non-Aligned Movement (NAM). Afghanistan and Pakistan accept Shah of Iran as mediator in border dispute
- 1965 United States (\$7.7 million) and USSR (\$11.1) compete to fund Afghan infrastructure projects. Japanese aid and expertise provides piped water for Kabul.
- 1967 Parliament approves political parties law, but king does not sign, forcing continued chaotic elections.
- 1969 Student unrest in Kabul forces closing of schools. New government forms under Nur Ahmad Etmadi
- 1973 Da'ud Khan leads military coup, declares Afghanistan a republic, and becomes president with help from pro-Moscow Parcham faction of the PDPA Party. Three months after, a military coup plot against Da'ud discovered and Pakistan accused of complicity.
- 1977 PDPA coup, "saur Revolution," brings Taraki and Amin to power. Da'ud and his family are killed.
- 1979 U.S. Ambassador Adolph Dubs is kidnapped in Kabul and later killed in a shoot-out under suspicious circumstances. In April, Pakistan is accused of plotting against Kabul.
- 1979 In December, the Soviet invades Afghanistan. Large Soviet airborne force occupies Kabul, kills Amin. Land forces disperse across the east and southeast.
- 1980 Refugee exodus accelerates from Afghanistan to Pakistan, then to Iran. UN General Assembly Emergency Special Session overwhelmingly condemns Soviet Invasion. U.S. President Jimmy Carter signs presidential finding authorising supply of weapons to Afghanistan resistance through Pakistan to harass, but not defeat, Soviet occupation force.
- 1982 Soviet army settles in for long war, concentrating on aerial strength to pound resistance. In autumn, Afghanistan is divided into seven military districts, each headed under Soviet general under the Fortieth Soviet Army in Kabul. Soviet Troops are rotated on a six-month basis, with about 120,000 in Afghanistan at one time.
- 1984 At suggestion of CIA chief William Casey, and with support of Pakistan intelligence, Afghan mujahidin begin sending Islamic propaganda mission into Soviet Central Asia. In June, Soviet shelling of Heart, then Kandahar, results in heavy civilian fatalities. A scorched-earth policy, aimed at emptying the countryside of resistance sympathizers, continues.
- 1986 Gorbachev describes Afghan issue as "bleeding wound". By May, Muhammad Najibullah replace Karmal as party secretary, with heavy Soviet troop contingent reappearing in central Kabul to prevent disorder. In July, Gorbachev announces unilateral withdrawal of six regiments by end of year.
- 1987 U.S. Assistance of Afghan resistance rises to US\$630 million. In December, Najibullah admits that 80 per cent of countryside and 40 percent of towns are beyond government control. In May 1988, Moscow announces official casualties of war at 13,310 dead, 35,478 wounded, and 311 missing.
- 1987-1992 The emergence of the civil war and collapse of Najibullah's regime. In February 1989, major Western embassies and some East European embassies in Kabul are

closed for fear of lack of security. In March 1992, Najibullah appeals to U.S. for help in stopping the spread of fundamentalist Islam in Central Asia. On April 20, Najibullah resigns but is stopped at airports as he attempts to join his family in India. He takes refuge in UN compound. On April 27, Mujahidin occupy the capital on the fourteenth anniversary of 1978 communist coup. Hekmatyar and Mas'ud forces fight for control of presidential palace.

- 1992-1996 The establishment of the Islamic State of Afghanistan. Civil war amongst various Mujahidin groups over the five years period destroyed one third of the capital and led to the death of an estimate 60,000 civilians in Kabul. Thirty thousand refugees flee Kabul. Kabul Museum hits by bombs in May 1993 and two-third of its priceless content looted.
- In January 1994, Dustam airplanes bomb Kabul for the first time in civil war. The UN Security Council call for immediate cease-fire. Hekmatyar blocks UN food convoy to Kabul in March that year. In December, the U.S. declares a state of emergency in Kabul and allows USAID to provide emergency assistance. 200,000 refugees in Jalalabad. Taliban defeat local mujahidin governor and occupy Ghazni province. International Committee of the Red Cross estimates 70,000 killed or wounded in fighting in 1994.
- In 1995, Taliban occupied Wardak province and captured Heart, then advanced to the outskirts of Kabul. September 1996, former Soviet-backed Afghan leader Najibullah taken from UN compound and hanged by Taliban.
- 1996 The rise of the Taliban movement and the establishment of the Islamic Emirate of Afghanistan.
- 1997, March, photography and filming of living objects forbidden by Taliban foreign ministry. Saudi billionaire Osama bin Laden said to bankroll southern Afghanistan development projects in irrigation and road construction. German pledge US\$ 2 million for demining in Afghanistan. UN offers one can of cooking oil for each month that a refugee Afghan girl in Iran attends school. Ismail Khan, governor of Heart, betrayed, is captured and imprisoned by Taliban.
- 1998 Osama bin Laden is suspected in U.S. embassy bombing in Kenya and Tanzania. Taliban order closing of 100 NGO-funded home schools for girls. U.S. air strike in Afghanistan to shut down terrorist training sites.
- 1999 Drought cycle begins affecting Iran, Afghanistan, and Central Asia. Taliban government recognises Chechnya. United Nations Security Council (UNSC) passes resolution on terrorism and extradition of bin Laden.
- 2000 Russia's Foreign Minister protests U.S. bombing of Afghanistan. Ismail Khan, warlord of Heart, escapes Taliban prison for Iran. In October, bombing of USS Cole in Yemeni port linked to Osama bin Laden and al-Qaeda. In December, U.S. wins UN support for tough sanctions against Taliban.
- 2001 Drought threatens famine in much of Afghan countryside. In February, Taliban order destruction of all statuary. Bamiyan Buddhas destroyed in March. On September 9, Ahmad Shah Mas'ud is assassinated in suspected al-Qaeda suicide mission. September 11 attacks on U.S. including New York's Twin Towers and the Pentagon. On the following day, the U.S. demands extradition of bin Laden from Afghanistan. On September 15, Mullah Omar requests that bin Laden leave Afghanistan. September 20, George W. Bush

declares war on terrorist groups and sends ultimatum to Taliban to hand over bin Laden. September 26, U.S. lifts sanctions on Pakistan imposed due to nuclear weapons testing.

- 2001, September 29, U.S. launches military strike on Afghanistan. October 7, U.S. and allies commence bombing of Taliban positions in Afghanistan. October 17, U.S. begins bombing of Kabul perimeters. October 28, U.S. places \$25 million bounty on bin Laden's head. November 13, Northern Alliance forces march into Kabul, Taliban surrenders Kabul.
- 2001, November 27, four factions at Bonn agree to outline of new government. Twenty-one countries meet in Washington to discuss Afghanistan economic reconstruction. December 17, U.S. concentrates bombing on Tora Bora. December 22, interim government headed by Karzai establishes itself in Kabul. December 30, American bomb hits village, killing one hundred people, in search for al-Qaeda.
- 2002, January, donor countries and agencies in Tokyo pledged more than \$4.5 billion in aid to Afghanistan over five years. July, Vice President Haji Abdul Qadir assassinated. September 5, a car bomb in Kabul killed 26 people. On that same day, Karzai, guarded by U.S. troops survived an assassination attempt. Jan 11, Taliban and al-Qaeda fighters captured in Afghanistan were flown to Guantanamo Bay. U.S. and coalition forces war against Taliban and al-Qaeda continues, especially in the South and Southeast of Afghanistan. June 30, an errant U.S. air strike at night killed 48 people celebrating a wedding at Kakarak. Continued lawlessness allowed for a dramatic increase in opium production by the end of 2002.
- 2004, January 26, new constitution took effect. June, aid group Doctors Without Borders suspended Afghan operations after five relief workers were killed in a Taliban ambush. Eleven Chinese road construction workers and an Afghan guard were killed. September 16, insurgents attempted to kill Karzai during the Presidential election campaign.
- 2004, October 9, Hamid Karzai won the Presidential election with 70 per cent voter turnout.
- 2005, September 18, Wolesi Jirga (House of Representatives) and Provincial Council Elections

Mapping ANFREL Media Reports

Issue Date:	Publication Name & Author/Journalist Name:	Type of media:	Message Summary:
Sept. 22, 2005	Anis Dari Daily State Newspaper	Kabul newspaper, Dari language	Cited ANFREL report. The headline says: ANFREL sees that the election went well.
Sept. 24, 2005	The Daily Star (Lebanon)	website	Quoted ANFREL regarding: improvement in electoral preparations compared to presidential election; contrast between rich and poorer candidates in campaigning; and criticism of late disqualification of candidates.
Sept. 19, 2005	Newday	website	Mentioned ANFREL report about intimidation, vote buying, and selling of voter cards
Sept. 26, 2005	Bangkok Post		Article by Pravit Rohani Secretariat member
Sept. 18, 2005	Radio Free Afghanistan	website	Quoted ANFREL observer about polling officials who may not understand the polling process and concern about late opening of the polling station
Sept. 19, 2005	Radio Free Europe	website	Quoted ANFREL observer about polling officials who may not understand the polling process and concern about late opening of the polling station
Sept. 22, 2005	Institute for War & Peace in Reporting	website	Quoted ANFREL report regarding apparent lack of voter education for ethnic Kuchi nomads, criticism over late disqualification of candidates, contrast between rich and poorer candidates in campaigning.
Oct. 2, 2005	Daily Cheragh	Kabul, English language newspaper	Part one of ANFREL Sept. 20 Preliminary Statement
Oct. 3, 2005	Daily Cheragh	Kabul, English language newspaper	Part two of ANFREL Sept. 20 Preliminary Statement
Oct. 16, 2005	Daily Cheragh	Kabul, English language newspaper	Part one of ANFREL Sept. 30 Report
Oct. 17, 2005	Daily Cheragh	Kabul, English language newspaper	Part two of ANFREL Sept. 30 Report
Oct. 1, 2005	Leader Post (Regina, Canada)	website	Quoted ANFREL observer about apparent ballot stuffing, and voters holding multiple voter registration cards
Oct. 10, 2005	Bangkok Post	Newspaper	Article by Kamal Perera, LTO

Summary of ANFREL's Post-Election Field Reports from 11 Observer Teams in 11 Provinces

The supervisor at the centre would later determine its validity, however.

At least three ballot boxes in Jalalabad contained ballot papers which were not properly folded with candidate's faces shown up front.

In Mazari-Sharif, a female counting staff apparently used her lips to mark ballot papers for a particular candidate so to make it invalid. In Pansher and Kabul, no broken seal have been reported.

3. Complaints:

Although some complaints were made in a few areas, proving the validity of the complaints will require time and honest efforts on part of the Election Complaint Commission.

Complaints about alleged impartiality of polling and counting staff have been reported from places such as Jalalabad, Herat, Kanduz and Kandahar. In Kandahar, many candidates accused JEMIB for recruiting local staff that are family members and relatives of some

candidates and alleged that these staff have been supporting the candidates in numerous ways since the beginning of the campaign. "It seemed clear to us that those candidates have no faith in either UNAMA or JEMIB when it comes to their neutrality," the team stated, adding 25 candidates, including three female candidates, have

reportedly aired their grievances. Many complaints made by candidates in Kanduz centred on why ballot boxes were kept at polling stations over night. Candidates also claimed that some counting staff are in fact candidate agents. This allegation was denied by the

counting centre manager, however. The ANFREL team will find further information on this matter and listen to both sides.

ANFREL's Herat observers found that 1,200 ballot papers went missing and it was later discovered that they were sent to another polling centre in Kandahar district. The team

subsequently informed JEMIB Herat External Affairs Officer about it. In Chaghchayan, the nature of the complaint is about some candidates coercing people to vote for them.

1. Security:

Heavy security deployment is observed in all the 11 provinces. Security around counting centres at

various provinces is very tight and the premises heavily guarded. In Herat, KROLL is responsible for searching all the trucks that come to the counting center before getting unloaded and passing intake processes.

The compound of Ghazni counting centre, which is typical to most if not all 11 areas, was described as being "completely barricaded" with more than 100 police on duty on top of many more security staff. Trucks carrying ballot box were also heavily guarded.

Despite the heavy security which includes sniffling dogs to detect explosive, two rockets landed near the Kabul counting centre on September 19 and on September 24. Ghazni's counting centre also experienced four rocket attacks on early morning of September 25 although the rockets missed the target and no one was injured. In Kanduz, on September 22, the Afghan Army discovered 5 rocket

propelled grenades lying about 500 metres from the counting centre and two men were subsequently arrested. These raise concerns about safety of the counting centres and all the people in the vicinity in the days to come.

ANFREL, founded in 1997 is Asia's only inter-regional observation body and was invited by the Afghanistan Joint Electoral Management Body to observe these elections. ANFREL has observed more than 40 elections in Asia including the 2004 Afghanistan Presidential election and observers have come from Cambodia, India, Indonesia, Malaysia, Myanmar,

Philippines, Sri Lanka and Thailand to participate in these historical elections.

The goal of this observation mission is to provide ordinary citizens, election officials, government officials, and the international community with an accurate and impartial picture of the unfolding political and electoral process in the various regions of Afghanistan. ANFREL wants to support the enhancement of the integrity of the electoral process as well as to minimize election irregularities and election-related human rights violations by the presence of its observers.

There were 28 ANFREL observers in 11 provinces during the week after the Sept. 18 elections. The observers interviewed domestic observation organizations, and human rights groups, and other civil society groups and met with electoral officials, candidates, ordinary citizens, and observed the beginning of the counting process.

which Afghan officials often accuse of having links with the fundamentalist Taliban...



Herat Daily
Political, Social & Cultural

In This Issue: (Dari, Pashto languages)
Man living in Palace, to identify Mr Karzai News report page 2
Interview with Badakhshan governor page 2
How can reach to National economy? Analysis page 3

192nd year, S. No 326, 3rd Oct. 2005

Herat

Volume 1, Issue 1

"There is an atmosphere of distrust amongst candidates against JEMB national staff. Another important issue is the lack of understanding about the electoral system amongst candidates – many candidates don't follow and do not understand the process."

The ANFREL team in Herat observed that orders to collect all pens from national staff to prevent possible marking of empty ballot papers or invalidating otherwise valid papers while on duties was imposed only on September 25, nearly a week after the first counting day. Due to numerous complaints and rumours about irregularities, JEMB Herat decided to make a complaint box available on September 26. However, many candidates and agents told ANFREL that their earlier complaints were not responded to and so they didn't want to file any complaints again.

The ANFREL team tried to contact the Provincial Electoral Commission (PEC) between September 27 to 29 but to no success. "If PEC does not improve its communication to candidates and observers as well as the public in general, it could create an atmosphere of distrust on the whole process of JEMB electoral management," the team concluded. Such atmosphere of distrust was also reported from Baghlan province where most well-known candidates say they have lost their trust in the neutrality of the counting staffs after a few incidents of alleged fraud was discovered.

Chaos broke out at table 42 of Kabul counting centre on September 27 at 11.25am when several agents protested because votes from three ballot boxes suspiciously went to only one candidate (Ahmad Shah Ahmadzai). Counting staff did not follow the instruction from the quarantine supervisor and kept on counting the votes until the foreign quarantine supervisor showed up and shouted at them. Two of the ballot boxes serial numbers are (01/18/440/01) and (01/12/440/01). Some agents and voters repeatedly cited their discontent towards the JEMB and the PEC in Chagcharan, saying they have filed complaints but haven't received any reply. Due to the claim by some JEMB staff in Jalalabad that red ink mark on some ballot papers should be considered valid despite the fact that only blue or black markers were supposed to be used (because, according to JEMB, red markers could have been mistakenly used), the ANFREL team in Jalalabad would like to suggest JEMB to adhere to a clear rule about the issue to prevent possible fraud in the future. For the performance of the Counting Centre Manager (CCM) in Kandahar, candidates, observers, agents and PEC members seem to be very unhappy with the treatment and manner of CCM. ANFREL's observers are going to file the complaint to JEMB head office in Kabul.

To be continued

Battlefield changes as warlords go into politics

Some former mujahideen and Taliban commanders were uncontested in Kandahar because people were afraid to run against them

By KAMAL SUNETHI PERERA

Several warlords have emerged in the lead as partial results pour in for Afghanistan's historic elections for parliament and provincial councils.

Well-known warlords were among more than 3,000 candidates who ran for 249 seats in parliament on Sept 18, the first such elections after three decades of war.

Kandahar province, the last Taliban stronghold, has drawn extra attention. Among the 225 candidates here for parliament and the Provincial Council, nearly 50 are either former warlords who still have influence over illegal armed groups, or active warlords at the district level. The regulations and investigations of election officials failed to disqualify any candidate in Kandahar.

Voter turnout was much lower than election officials expected, but no surprise to observers in view of the 2004 presidential election.

Ameer Lali, one of the leading candidates, remains influential in much of Kandahar. He used to be a mujahideen commander and fought alongside the Taliban. Selected by leaders of his Popalzai tribe to run in the election, he said he didn't use airtime on TV or Radio provided for candidates because he was already well-known. He said he did not personally campaign because his followers did that on his behalf. Some people, he added, cast their ballots for him even though he had not met them. Notably, Mr Lali said, they were female voters.

Fida M Khan was a warlord in Kandahar's Boldak district, who fought with rival tribes in his district. His actual military strength is a mystery to most observers, but his candidacy for parliament was not challenged.

Although President Hamid Karzai sees the political involvement of "former" warlords as a positive development because this means they have abandoned their illegal weapons and army, others are not so sure. Many citizens expect the election of such candidates will have more negative than positive consequences.

There are about five powerful warlords in Kandahar whom neither the government nor the Joint Electoral Management Body (JEMB) can disqualify. If they did, they would be unable to do their work.

Some warlords also enjoy the people's support, though observers believe people do so out of fear rather than respect or confidence in their leadership.

The tribe is a significant factor in any warlord's success. However, the US-led coalition forces which now battle the Taliban have remarkably weakened the illegal military power of the warlords, at least on the surface.

JEMB or any future independent election commission need a proper mechanism

Some warlords also enjoy the people's support, though observers believe people do so out of fear rather than respect or confidence in their leadership.

ism to identify and screen out unsuitable candidates. The election overseer will have to consult civil society organisations like the National Democratic Institute or Afghan Development Association which must agree to support such a process in confidence for the sake of democracy.

The provincial complaints commission, which operates under the provincial election office, is afraid to conduct investigations into the activities of powerful candidates. The commissioners fear for their lives and those of their families. They were unable to question powerful candidates about complaints submitted to them regarding election law violations. Although there was no information that election officials were threatened by warlords, the unspoken threat is always there.

There are basically two types of warlords whose names appear on Kandahar ballot papers. Most are mujahideen and a few are former Taliban commanders.

Three well-known former Taliban commanders are in the running in Kandahar for parliamentary seats. They have been threatened by their former Taliban comrades. It was inevitable that security is still a significant concern for these people. The vast majority of the people we

spoke to said the security situation during the Taliban period was much better than it is now. As I write this on Oct 5, there was a suicide bomb attack in Kandahar targeting coalition forces. It was the second of its kind during this election period. Another explosion in Boldak district left six people dead.

Taliban who oppose the election are expected to step up their attacks day by day. Many still believe the Taliban would take over Kandahar within an hour if foreign coalition forces left.

Among the warlords contesting the election, there are many who face prosecution in court. But when they go to parliament, no one will be able to prosecute them for past offences and they will be virtually free. Even today most warlords cannot be controlled by the government. When they go into parliament, their power will simply increase.

It is hard to believe any international group or the government could exclude the warlords from politics, but undoubtedly there must be strong mechanisms and institutions to monitor their activities after they enter parliament.

The government will have to be ever-vigilant about losing warlord candidates, as well. The integrity and power of the army and police are important to maintain the law and order in Afghanistan especially after all election results are in. It is the responsibility of the government to develop a disciplined, effective security force in Afghanistan which can control the activities of illegal armed leaders.

It is a positive to see that warlords actually give up their arms and come into politics. But they are expected to still want the power they had as warlords. By contesting the election, they expect to get political power. But they will have to learn about democracy and good governance. Somebody will have to teach them about these concepts. Definitely the new parliament of Afghanistan will consist of educated personalities as well as uneducated warlords, and differences of opinion will likely be fierce.

Kamal Sunethi Perera is an international election observer with Asian Network for Free Elections (Anfre) in Afghanistan.

Summary of ANFREL's Post-Election Field Reports from 11 Long-Term Observer Teams in 11 Provinces

First part

1- Counting Process

Counting process has become more effective in some areas although many areas still face problems of inefficiency and more.

In Kandahar, the second-week counting is reported to be under control and taking place at a much faster pace with 75 per cent of the votes counted by Thursday September 29. The counting management decided not to make any provisional results available to the public at the counting centre for fear of fighting amongst candidates, however.

The process in Kandahar is also swifter than first week. Counting staff said they hope to be able to finish it before the Ramadan holidays begin on October 4. The ANFREL team in Paghlar noted that the set up of the counting centre looks more transparent than the previous work.

In Chaghcharan, counting finishes a day before the scheduled date of October first. All counting staff reportedly abide by the rules and everything proceeded smoothly. Counting was also relatively fast in Badkhan province where staff became familiar with the process by the second week. The Herat team thinks more effective management of ballot boxes is

needed as well as better training for counting staffs. As of September 30, only 67 per cent of the counting result was shown on JEMIS website although the counting was already 20 per cent done. The Kabul team

complained that they could not check the summary results from the website for 4 days and nobody has seen the updated summary results announced at the Kabul counting centre.

The same problem took place in Lawajan when observers reported that several candidates have not their votes in the counting process. The result could not be posted on time and candidates questioned if some foul play is taking place.

Fourteen complaints were made but some candidates stopped disputing their agents to the counting centre and said they would accept the result if they won't accept the result if they lose. Amidst the problem persists. Amidst the confusion and uncertainty, violence erupted amongst candidates and on the morning of September 24, the counting was halted for half a day. The provincial election officer (PEO) urged candidates to refrain from violence and decided to change the counting manager. The action succeeded in appeasing candidates and the counting process became much better with

the counting finished in the end of September. Some agents

complained that they cannot see the counting process as it was done at the back of the centre, however. Some confusion occurred at

Baghlan province where many counting staff were not wearing special jacket and got mixed up with candidates' agents. Agents are also seen freely walking around

inside counting units which increased the possibility of cheating and irregularity. This was solved by September 27 when two external officers from Kabul

arrived to clear up the mess which also includes burning counting staff from carrying pens inside counting centre.

Counting at Chizrau province progressed slowly. On September 24, only four ballot boxes were counted on that day. The ANFREL team thinks that the slow progress is due to the following factors. First, the late arrival and early departure of counting staff. Second, many observers and candidates congregated there (there were as many as 100 at one time) disturbing the counting staff with some asking questions which is against the regulations. Thirdly, the procedure in handling the ballot boxes are irregular by many forms that needed to be filled up by



supervisor. By September 26, the counting paper picked up and seven ballot boxes were counted on that day.

2- Performance of the Electoral Management (JEMIS) and Counting Staff

Many complaints have been received from most of the areas ANFREL observed except in Paghlar where all counting staffs seem to understand their role and the counting process well, while the counting process was announced in front of people. The same cannot be said of many other areas, however.

In Herat, JEMIS was accused of hiring relatives of some candidates as counting staffs. Some candidates and agents expressed their worries about what may happen to blank ballot papers. Philip Neve, JEMIS external relations officer in Herat, explained to ANFREL that hiring counting staffs who are related to some candidates is unavoidable in Herat as extended family is a norm in Afghanistan and due to the low literacy level, the pool of able counting staff is limited. Nevertheless, Mr. A. Afroz, Head of UNAMA Regional Office in Herat told ANFREL that:

The responses to complaints were very slow but a few staff have been fired. In one case, a counting staff was found marking up the score of one candidate from 17 to 78 but no official punishment was meted

while the suspect simply escapes and never shows up again. Another alleged fraud was observed at counting unit number 17 where a female counting staff allegedly

marked 12 blank ballot papers and counted five invalid papers as valid but no punishment was given. As of September 30, the ANFREL team could not arrange a proper

interview with the counting manager (Mr. Vahdini) to question about the few reported cases in Herat. So far, the PEC in Baghlan has received 47 complaints, many regarding alleged partiality of counting staffs.

In Kandahar, one counting staff was forced to resign on September 25 after he was caught marking blank ballot papers. In Chizrau, one supervisor was caught with the same offense and was asked to leave despite JEMIS insistence that counting staff were chosen with great care. A similar case occurred in Badkhan twice where on September 27, a female counting staff was caught using her eyebrows pencil to mark blank ballot papers. She was fired on spot and the counting unit was dissolved into other units. Unmarked ballot papers were purged and stored in a safe area in Kandahar, however.

News from Radio Free Asia

September 19th, 2005

The election was carried out with the help of more than 215,000 accredited observers -- including international monitors.

Somsri Hananuntasuk, an observer from the Asian Network For Free Elections, expressed concern that some of the country's 160,000 election workers did not appear to be well acquainted with voting procedures.

Hananuntasuk also told RFE/RL that she had received reports of attempted multiple voting in the southern province of Kandahar.

"We had some reports from Kandahar about a person who got more than one registration card," Hananuntasuk said. "This means that the person who got two or three registration cards can vote three times. It means that the rumors that we received in the last few days are true -- that a person can go and register in several places. So, in that case, we wonder if it happened in other areas."

But Peter Erben, the chief electoral officer of the Joint Electoral Management Body, said there were other methods to prevent multiple voting -- including an improved ink used to mark the index finger of each voter.

"The ink we are using is the strongest possible, and I have confidence it will prevent [wide] spread double voting in Afghanistan," Erben said.

"Knowing that we did have problems with this issue last year [during the presidential elections of October], we are keeping a very close eye on it."

جمهوری اسلامی افغانستان
دفتر مشترک تنظیم انتخابات



د افغانستان اسلامي جمهوریت
د انتخاباتو د تنظیم کد دفتر

Islamic Republic of Afghanistan
Joint Electoral Management Body

JEMB

Ms. Somsri Hananuntasuk
ANFREL
Thailand

By email: gnparr@hotmail.com

Kabul, 17 August 2005

Dear Mr. Hananuntasuk,

I am writing to invite your organization to participate in Afghanistan's historic upcoming elections as an electoral observer organization. Further to the aspirations of the Afghan people, as expressed in the Bonn Agreement, the elections will lead to the establishment of the first freely elected democratic legislature in Afghanistan.

The Joint Electoral Management Body (JEMB) was created on 23 June 2003 for the purpose of overseeing the voter registration process; its mandate was subsequently expanded to include the organization of elections. Among its responsibilities is the invitation and accreditation of international electoral observers.

The Joint Election Managements Body Secretariat (JEMBS) Observer Facilitation Section will be responsible for providing the observer organizations with information on the electoral process, as well as the work of the JEMB and its secretariat through regular briefing sessions. In this respect, the JEMBS Observer Facilitation Section, will provide venues where observer organizations may come together, prior to and following the elections to exchange information.

The responsibilities of the JEMBS Observer Facilitation Section will not include logistical support to observer organizations. Therefore, accredited observer organizations will be responsible for all logistics related to their activities.

Applications for accreditation are currently being accepted and organizations are encouraged to apply as soon as possible to observe all stages of the electoral process.

Forms for requesting accreditation of observer delegations and for nominating members of those delegations, as well as the procedures for accreditation, are currently available directly from the Secretariat (accreditation@unops.org.af) and will soon be available on the website www.jemb.org

We hope that you will be able to accompany us and the people of Afghanistan on this momentous occasion in the country's transition to democracy. If we can be of further assistance, please do not hesitate to contact the JEMBS Observer Facilitation Section: email: observer@unops.org.af, fax: +93 (0)70 106175.

Yours sincerely,

Besmilla Besmil
Chairman
Joint Election Management Body

جمهوری اسلامی افغانستان
دار الانشای دفتر مشترک تنظیم انتخابات



د افغانستان اسلامي جمهوریت
د انتخاباتو د تنظیم کړه دفتر دار الانشاء

Islamic Republic of Afghanistan
Joint Electoral Management Body Secretariat

JEMBS

Englebert Jojo Rohi
Observer in Herat
Asian Network for Free Elections

Tuesday 4th October 2005

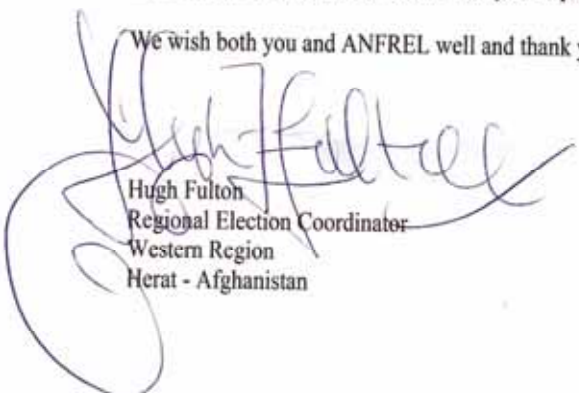
Dear Jojo,

On behalf of the Joint Electoral Management Body Secretariat for Western Region, I wish to express our appreciation of the work of the ANFREL observer team in Herat during the 2005 Parliamentary and Provincial Council Elections in Afghanistan. Throughout the duration of your stay we have been greatly impressed by your efforts, assiduous work, the pertinence of your feedback, comments and reporting.

Observation is crucial to any election, but it is of particular importance to an emerging democracy, as you know from your experience in your own country. This election is an historic first step on that road for the Afghan people and your understanding of this process made your contribution particularly valuable.

This was an Afghan election run by the Afghans for the Afghan people. The support of international friends like ANFREL and your input will not go un-noticed.

We wish both you and ANFREL well and thank you again for your contribution.



Hugh Fulton
Regional Election Coordinator
Western Region
Herat - Afghanistan

شبکه آسیانی برای انتخابات آزاد

توظیف ناظرین آسیانی در یازده ولایت افغانستان برای نظارت از انتخابات ولسی جرگه و شوراهای ولایتی، و پذیرایی آنها از جانب دفتر مشترک تنظیم انتخابات

شبکه آسیانی برای انتخابات آزاد ویا (ANFREL) یگانه ارگان ساحوی برای نظارت از پروسه انتخابات است که در سال 1998 میلادی تاسیس گردیده. این اداره بیش از 40 گروپ هیئات از ناظرین را غرض نظارت از انتخابات در ممالک جداگانه آسیانی تنظیم نموده است. به همین نحو در 11 ولایت کشور، انفریل به تعداد 22 نفر از ناظرین درازمدت را از ممالک مالیزیا، اندونیزیا، سریلانکا، تایلند و برما توظیف نموده است. در عین حال به تعداد 6 تن از ناظرین کوتاه مدت از ممالک فلیپین، هندوستان، اندونیزیا، تایلند و کمبودیا یک هفته قبل از روز انتخابات به کشور خواهند رسید.

انفریل امید وار است که این انتخابات در یک فضای صلح آمیز تدویر گردیده و این اداره خواهان سهمیم گیری فعال احزاب سیاسی، کاندیدان مستقل و موسسات میباشند. با در نظر داشت تجربه انتخابات ریاست جمهوری در سال 2004 میلادی، انفریل از تلاش های متمرکز دفتر مشترک تنظیم انتخابات در حصه تنظیم انتخابات، دعوت از ناظرین بین المللی و رسانه های خبری در جریان انتخابات، اظهار سیاس و قدردانی مینماید.

انفریل همواره از جامعه مدنی افغانستان ماننی موسسه FEFA که با استفاده از حقوق خود نقش عمده را از طریق نظارت انتخابات ایفاء نموده و مملکت را بسوی دیموکراسی سوق میدهد، حمایت مینماید.

قبل از روز انتخابات، ما خواهان اقدامات ذیل هستیم:

- با در نظر داشت تعداد کثیر کاندیدان، رقابت انتخاباتی زیادی وجود خواهد داشت. تمام اقدامات لازم جهت جلوگیری از خشونت های قبل و بعد از انتخابات اتخاذ گردد. بطور مثال یک اقدام خوب میتواند تامین امنیت و محافظت تمام ساحات که برای رای دهی استفاده خواهند گردید، باشد. همچنان امید وار هستیم که عموم کاندیدان، رهبران، نمایندگان و حامیان احزاب با هم و با دفتر مشترک تنظیم انتخابات همکاری نموده تا انتخابات در فضای امن و صلح آمیز انجام گیرد.
- ما خواهان این هستیم که عموم منصوبین حوزه های انتخاباتی دارای لیاقت و شایسته - گی تطبیق قوانین انتخاباتی باشند. در همین حال ما این موضوع را درک میکنیم که نسبت کمبود افراد باسواد شاید در بعضی ساحات محلی از افراد کم سن برای کار در مراکز رای دهی استفاده گردد. این موضوع ما را عمیقاً نگران میسازد که موجودیت این منصوبین شاید چانس خوبی برای تخلف از قوانین انتخابات باشند.
- در صورتیکه منصوبین حوزه های انتخاباتی در روز رای دهی با مشکلات غیر مترقبه روبرو میشوند، دارالانشاء دفتر مشترک تنظیم انتخابات باید پلان های امنیتی و تدابیر لازم را پیش بین باشد. تاخیر در باز نمودن حوزه های انتخاباتی منتج به میان آمدن خشونت میان رای دهندگان و کاهش در تعداد رای دهندگان خواهد شد.

- ما امیدوار هستیم همه منصوبین انتخابات بصورت جدی قوانین انتخابات را مراعات نموده و برای جلوگیری از استعمال چندین بار رای توسط یک شخص، بازرسی دقیق از انگشتان و رنگ، مطابق به قانون صورت گیرد.
- ناظرین انفریل بی طرفی منصوبین انتخابات، پولیس، اردوی ملی و همچنان سران و بزرگان را در پروسه رای دهی بررسی خواهند نمود. کاندیدان نباید از منابع مالی ویشری حکومت استفاده نمایند. دفتر مشترک تنظیم انتخابات باید یک قانون واضح برای ناظرین قوانین، طرح نماید. مجازات باید به شکل واضح بیان گردیده و بالای کسانیکه از منابع دولت استفاده مینمایند، تطبیق گردد.
- ما امیدوار هستیم که از فروش و خرید رای در افغانستان، که در اکثر ممالک آسیانی یک عتبه مروج و خیلی مضطرب کننده است، اجتناب صورت گیرد.
- مطابق ماده 53 قانون انتخابات افغانستان " اخذ و یا تادیه پول و یا دیگر منافع غرض نفوذ در روند انتخابات یک تخطی از قانون پنداشته میشود". انفریل در حال حاضر با یکی از این کاندیدان کابل که از ادانه سخن از پرداخت تحایف در مقابل رای میزند، و این کار را یک کار مثبت میداند، ملاقات نموده است. ولی بعضی از اعضای جامعه مدنی این نوع اقدامات آنها را بخش از فرهنگ و مهمان نوازی آنها میدانند. ما امیدوار هستیم که افغانستان سطره احزاب و کاندیدان ثروتمند که منابع بی حد بدست دارند و میخواهند از این طریق موثریت خود را بیشتر سازند، کاسته و نگذارند تا آنها با این کار خود مانع انتخاب شدن کاندیدان که واقعاً نمایندگی از مردم کنند، شود.
- قرار معلوم، بعضی از کاندیدان طبقه اناث حین کمپاین انتخاباتی تهدید گردیده اند. هر شخصی که باعث تهدید کاندیدان طبقه اناث میگردد باید مطابق قانون مجازات گردد.
- چون رای دهی در افغانستان تا بحال اجباری نبوده، بناً باید تعلیمات بیشتری برای خاتمهها در حصه خود ارادیت در انتخاب، صورت گیرد زیرا اکثر از خاتمهها به اساس آراء همسران خویش رای میدهند.
- در افغانستان اکثر خاتمهها مسولیت امور خانوادگی را به عهده دارند. در روز انتخابات منصوبین طبقه اناث حوزه های انتخاباتی با مشکلات روبرو خواهند بود زیرا که باید زودتر به منازل خویش بر گردند. این امر هنگام انتخابات ریاست جمهوری نیز مشاهده گردیده. غرض تسهیل این کار باید وسایل حمل و نقل برای این خاتمهها تهیه گردد تا منصوبین زن بتوانند تمام امور خود را به اتمام رسانده و به وقت معین به خانه های خود برسند.
- انفریل یک کنفرانس مطبوعاتی قبل و بعد از انتخابات در کابل برپا خواهد نمود، محل این کنفرانس بعداً اعلان خواهد شد. همچنان گزارش های مطبوعاتی نیز وقتاً فوقتاً با در نظر داشت اوضاع نشر خواهد گردید.

جهت معلومات مزید لطفاً با خاتم سمسوری هئاتن تسوک، منتظم دفتر انفریل در شماره های تېلفون 079557221 و یا ایمیل ادرس anfrel_coordinator@ag.asiafound.org ویا با آقای پرفیت روجانافروک امر رسانه های دفتر انفریل در شماره تلفون 070155753 ویا ایمیل ادرس r_pravit@hotmail.com ویا ایمیل ادرس anfrel_media@ag.asiafound.org تماس قایم نمایند.

غرض معلومات بیشتر در مورد دفتر انفریل لطفاً به صفحه الکترونی www.anfrel.org که دارای گزارش های فعالیت های مختلف دفتر انفریل در چهار ممالک آسیانی نیز میباشد، مراجعه نمایند.

ANFREL Preliminary statement in Dari

بیانه مقدماتی ANFREL در خصوص انتخابات
ولسی جرگه و شورا های ولایتی
۲۰
سپتمبر ۲۰۰۵

معرفی:-

شبکه آسیایی برای انتخابات آزاد ANFREL و دعوت دفتر مشترک تنظیم انتخابات و با همکاری و حمایت بنیاد آسیایی Asia Foundation و گروپ های ناظر داخلی انتخابات مانند FEFA به منظور نظارت بر انتخابات پارلمانی و شورا های ولایتی وارد افغانستان شده است. هیئت متذکره مرکب از ۳۰ نفر عضو بوده و در ۱۱ ولایت کشور مصروف نظارت میباشند. ANFREL سازمان است که متشکل از گروپ های ناظرین انتخابات از کشور های مختلف آسیائی که از بدو تاسیس خود در ۱۹۹۷ تا به حال بر بیش از ۴۰ انتخابات نظارت داشته است.

اعضای هیئت کنونی ANFREL برای نظارت انتخابات افغانستان به ۸ کشور آسیائی اندونیزیا، مالیزیا، میانمار، سریلانکا، تایلند، کمبودیا، هندوستان، و فلیپین منسوب هستند.

دور قبل از انتخابات

۱- دور مبارزات انتخاباتی:-

دور قبل از انتخابات در مجموع یک مرحله پر از آرامش بود. مردم نسبت به انتخابات علاقه مند بودند و اکثریت کاندیدان توانستند آزادانه و با استفاده از وسایل مختلف به کمپاین بپردازند اما نا گفته نباید گذاشت که چالشهای هم فراراه کاندیدان خصوصاً کاندیدان اناث و رای دهنده گان و جود داشت هر چند این چالشها باعث ایجاد محدودیت های در امور تبلیغاتی گردید اما به هیچوجه نتوانست مانع مشارکت وسیع رای دهنده گان و کاندیدان در پروسه انتخابات گردد.

۲- دفتر مشترک تنظیم انتخابات یا JEMB :-

ناظرین ANFREL که از انتخابات ریاست جمهوری نیز نظارت کرده بودند متوجه بهبود قابل ملاحظه در امور تدارکاتی JEMB برای این دور انتخابات نظر به تدابیر

انجام شده برای انتخابات سال گذشته توسط این دفتر، گردیدند. تدویر سیمینار ها و ورکشاپ های توسط JEMB مورد تأیید مردم قرار گرفته و تیار متحرک تهیه شد توسط این دفتر در بسیج جامعه مخصوصاً در مناطق با میزان بلند بی سوادى تأثیر بسزایی داشت. کاندیدان هم از نقطه نظر رهنمائی های که خصوصاً در مورد نحوه کمپاین نمودن دریافت نموده بودند راضی به نظر میرسید.

با این وصف نگرانی های هم در رابطه به عملکرد های JEMB در سطوح پایینتر وجود داشت منجمله استخدام اقارب کاندیدان به حیث مامورین انتخابات که در این رابطه راپوری از ولایات غزنی به ما مواصلت ورزیده است. ایجاد کمیسیون سمع شکایات که وظیفه آن دریافت و بررسی شکایات است یک گام مثبت در پروسه انتخابات افغانستان تلفی میگردد و آن هم به وقت نبودن بعضی اقدامات منجمله رد صلاحیت نمودن یک تعداد کاندیدان مشکلاتی را برای رای دهنده گان و کاندیدان به بار آورد.

۳- امنیت و ارباب:-

علی الرغم خوشبینی های که وجود داشت مسئله امنیت به مثابه یک چالش عمده فرا رای دهنده گان و کاندیدان باقی ماند. نبود امنیت کامل تحرک کاندیدان خصوصاً کاندیدان طبقه اناث به منظور اجرای کمپاین را محدود ساخته علوتاً ترس رای دهنده گان و کاندیدان از انتقامجویی آنها را از ارائیه شکایات باز داشته بود با آنهم ناظرین ANFREL از ولایات کندز و پنجشیر از آرام بودن اوضاع خبر دادند.

۴ زنان و اقلیت ها:-

میزان مشارکت زنان چه به حیث کاندید و چه به حیث رای دهنده علی الرغم تبعیض ها و تهدیدات موجود در بعضی مناطق به سطح بالای رسیده است. بطور مثال در هرات کاندیدان زن و طرفداران شان از فعالیت و سازمان دهی خوبی در کمپاین برخوردار بودند با این وصف کاندیدان و رای دهنده گان اناث به مقایسه همتا های ذکور شان در مضیقه قابل ملاحظه قرار داشتند کاندیدان زن به مساجد بمنظور کمپاین داخل شده

نمیتوانند همچنان رای دهنده گان زن نمیتوانند جهت سمع بیانات کاندیدان داخل مساجد شوند. به دلایل امنیتی کاندیدان زن دسترسی کمتر به مناطق روستائی داشته و یا هم شوهران شان مانع کمپاین آنان در چنین مناطق میگرددند.

در مورد بسیج اقلیت کوچی ها غفلت آشکار صورت گرفته بود. بسیاری از کوچی های فکر میکردند که آقای کرزی یکی از کاندیدان است. تعدادی از آنها از موجودیت مراکز جداگانه رای دهی که برای شان در نظر گرفته شده بود خبر نداشتند و عده هم نمیدانستند که آنها مکلف به رای دهی در ولایاتی که کارت رای دهی را در آن بدست آوردند نمیباشند.

۵- سیاست پولی:-

یک تفاوت کلی بین کمپاین کاندیدانی که در وضیت مالی خویر قرار داشتند و کاندیدانی که دسترسی کمتر به منابع مالی داشتند دیده میشد. کاندیدان توانگر پول هنگفتی را با برگذاری مهمانی ها و تهیه طعام، تابلو های بزرگ و گرانبیمنت و چاپ پوستر های بیش از حد که تمام در و دیوار ها را فرا گرفته بود بمصرف رسانیدند. در چنین شرایط ادعای یکسان بودن شرایط رقابت بین کاندیدان تهمت سوال قرار میگیرد.

روز رای دهی

پروژه رایدهی در فضای آرام و بدون اتفاق افتادن هر گونه واقعه جدی در مراکز و محلات رای دهی که ناظرین ما بر آن نظارت داشتند انجام شد. مراکز رای دهی در محلات مناصب قرار گرفته و از نظر تعداد حتی بیشتر از حدی بودند که بتوانند ظرفیت تجمع تمام رای دهنده گان را داشته باشند. مامورین انتخابات رویه گرم و دوستانه داشتند و به خوبی از عهده و ظایف شان بدر می شدند. محلات رای دهی طوری طراحی شده بودند که امکانات نظارت شفاف در آنها به خوبی میسر بود تدابیر شدید امنیتی از جانب پولیس و اردوی ملی سبب شده بود تا رای دهنده گان با اطمینان خاطر به پای صندوق های رای دهی روند.

با انهم مواردی از نارسایی ها بنظر رسید که در ذیل از آن یاد آور میشویم:-

- ۱- بعضی از محلات رای دهی در وقت تعیین شده بکار آغاز نکردند و در بضع موارد مواد منتقل شده به مراکز رای دهی کامل نبودند.
- ۲- در حالی که کارمندان انتخابات در مناطق شهری مانند کابل به خوبی آموزش داده شده بودند چنین حرفی را در مورد بعضی از ولایات نمیتوان پذیرفت.
- ۳- در بعضی موارد دو شخص همزمان در داخل یک غرفه رای دهی دیده شدند که مسئله حریمیت رای را زیر سوال میبرد.
- ۴- تعداد از کاندیدان و طرفداران شان در نزدیکی مناطق رای دهی در حالی که مصروف کمپاین بودند دیده شدند. همچنان به روی لباس تعدادی از نماینده گان احزاب، نشان انتخاباتی کاندیدان شان به چشم میخورد.
- ۵- نحوه تعیین محلات رای دهی موید تبعیض علیه زنان و اقلیت ها بود. تعدادی از ناظرین ما دریافتند که بعضی از محلات رای دهی زنانه از نور کافی برخوردار نبودند همچنان محلات رای دهی کوچی ها در برخی از موارد در بین خیمه ها در روی صحن مکتب قرار گرفته بود در حالیکه محلات رای دهی غیر کوچی ها در داخل تعمیر مکتب قرار داشت.
- ۶- لست کاندیدان رد صلاحیت شده در محلات رای دهی نصب نگردیده بود. بن آن میروود که تعدادی از رای ها از این بابت از شمارش باز بمانند.
- ۷- تعدادی از نماینده گان کاندیدان و احزاب در حال مشاهده شدند که مصروف جر و بحث با رای دهنده گان و کارمندان محلات رای دهی بودند. در یک تعداد محلات رای دهی به اثر ازدحام نماینده گان پروسه رای دهی برهم خورده بود.
- ۸- نماینده های کاندیدان و احزاب واضحاً و به باور عده زیادی نمیدانستند که چگونه باید نظارت کنند.

شمارش آرا

برای حصول نتایج قابل اعتبار، پروسه شمارش آرا باید با شفافیت تام انجام شود. ANFREL پروسه شمارش آرا را

تحت نظارت قرار خواهد داد همچنان تمام مراجع ذیربط را تشویق میکند تا در این تلاش سهیم گردند.

نظریات و پیشنهادات

۱- پروسه شمارش آرا باید فوراً پس از اختتام رای دهی آغاز گردد این کار باعث افزایش شفافیت و اعتبار پروسه خواهد گردید.

۲- کوچی ها باید در عین محل اما در صندوق های جداگانه رای بدهند.

۳- احزاب و کاندیدان باید برنامه های کاری شانرا بصورت مشخص و واضحتر بیان کنند.

۴- کوچی ها باید بیشتر تعلیم داده شوند تا به اهمیت مشارکت خویش در حیات سیاسی کشور پی ببرند.

۵- تعلیمات برای رای دهنده گان نباید منحصر به زمان انتخابات بوده بلکه در سایر اوقات نیز ادامه داده شود.

۶- مطبوعات رول عمده را در تنویر اذهان عامه ایفا نموده پنا بالای گزارش دادن پالیسی های کاندیدان باید بیشتر تاکید نمایند تا رای دهنده گان در غرفه نشانی ری سهولت و سرعت بیشتر داشته باشند.

۷- دفتر تنظیم انتخابات باید با استفاده از یک میکانیزم موثر مصارف کمپاین کاندیدان را نظارت نموده تا باشد برای تمام کاندیدان شرایط رقابت یکسان فراهم گردد.

۸- بمنظور جلوگیری از ثبت نام های مکرر دفتر تنظیم انتخابات باید لیست های رای دهنده گان را بصورت متواتر و دوره لی مقایسه و بررسی نماید.

۹- برای کوچی ها باید مناطق مشخص در داخل کشور در نظر گرفته شود تا نماینده گان آنها مجبور نباشند که در تمام کشور کمپاین نمایند.

نتایج

ANFREL در ظرف ۶۰ روز آینده راپور نهائی خود را به نشر خواهد رسانید. این راپور در بر گیرنده دریافت ها ، پیشنهادات و نظریات بیشتر خواهد بود که برای گفتن آنها هنوز که مدت کم از ختم روز رای دهی گذشته

زود است. از طرف دیگر تا زمان که شمارش آرا به پایان نرسیده، برنده گان اعلان نشده و به تمام دعاوی رسیده گی نشده باشد نمیتوان پروسه را تکمیل شده خواند.

ANFREL از همکاری بی شائبه JEMB قدر دانی نموده همچنان مراتب امتنان خویش را به Asia Foundation تقدیم میدارد که بدون کمک اینها انجام ماموریت ما ممکن نبود.

جهت دریافت معلومات مزید به آدرس های ذیل به تماس شوید.

خانم سومسری حنانونتاسوک، هماهنگ کننده ANFREL
تلفون: ۰۷۹۵۵۷۲۲۱

پوست الکترونیکی: anfrel@anfrel.org یا sui@yahoo.com
anfrel_coordinator@ag.asiafound.org

آقای پراویت روجانافروک، مامور رسانه های ANFREL
مبایل: ۰۷۰۱۵۵۷۵۳

پوست الکترونیکی: r_pravitotmail.com, anfrel_media@ag.asiafound.org

ENDNOTES

- ⁱ Excerpts from UNAMA website <http://www.unama-afg.org/about/info.htm>
- ⁱⁱ Excerpts from ANFREL: Afghan Presidential Election 2004 Report, page 29-34.
- ⁱⁱⁱ Excerpts from ANFREL: Afghan Presidential Election 2004 Report, page 29-34.
- ^{iv} Read UN Security Council Resolutions on Afghanistan and also on threats to international peace and security, see 1368 (2001), 1372 (2001), 1377 (2001), 1378 (2001), 1383 (2001), 1386 (2001), 1388 (2002), 1390 (2002), 1401 (2002), 1413 (2002), 1419 (2002), 1438 (2002), 1440 (2002), 1444 (2002), 1450 (2002), 1452 (2002), 1453 (2002), 1455 (2003), 1456 (2003), 1465 (2003), 1526 (2004), 1530 (2004), 1535 (2004), 1563 (2004), 1566 (2004), 1589 (2005), 1611 (2005), 1617 (2005), 1618 (2005), 1623 (2005), 1624 (2005), 1625 (2005), 1631 (2005) and 1659 (2006).
- ^v Ministry of Foreign Affairs of Japan http://www.mofa.go.jp/region/middle_e/afghanistan/min0201/
- ^{vi} See <http://www.afghangovernment.com/AfghanAgreementBonn.htm>
- ^{vii} For details see <http://www.unama-afg.org/about/info.htm>
- ^{viii} See <http://www.un.org/News/dh/latest/afghan/sixplus.htm>
- ^{ix} http://www.pcpafg.org/reconstruction/document_paper/UNDP_Conference_Paper.pdf
- ^x The Bonn Agreement was endorsed by the United Nations Security Council on 7 December 2001. The Security Council declared its support for the implementation of the Agreement including the establishment of a number of interim institutions. See <http://www.afghangovernment.com/AfghanAgreementBonn.htm>
- ^{xi} UNAMA Afghan political affairs, see http://www.unama-afg.org/about/_pa/political_affairs.htm
- ^{xii} Excerpts adopted from The Summary Report on Afghanistan National Development Strategy: An Interim Strategy for Security, Governance, Economic Growth and Poverty Reduction. Available at http://www.unama-afg.org/news/_londonConf/_docs/ANDS-SummaryReport-eng.pdf
- ^{xiii} Adopted from the UNAMA General Backgrounder: From Bonn Agreement to the 2005 Wolesi Jirga and Provincial Council Elections.
- ^{xiv} Adopted from JEMB document on Wolesi Jirga, read http://www.jemb.org/eng/electoral_system/wolesi_jirga_fa.pdf
- ^{xv} Adopted from the UNAMA General Backgrounder: From Bonn Agreement to the 2005 Wolesi Jirga and Provincial Council Elections and the Frequently Asked Questions. For details see www.unama-afg.org
- ^{xvi} Adopted from the UNAMA General Backgrounder: From Bonn Agreement to the 2005 Wolesi Jirga and Provincial Council Elections and the Frequently Asked Questions. For details see www.unama-afg.org
- ^{xvii} Read the complete ANFREL report on Afghanistan Presidential Elections 2004 available at www.anfrel.org
- ^{xviii} In order to enhance the effectiveness of the activities of UNAMA and the IAEC, and to strengthen the mechanism for overseeing the conduct of the voters registration for the 2004 general elections, the President of the Transitional Islamic State of Afghanistan also issued Decree n. 40 of 26 July 2003 (subsequently amended by Decree n. 110 of 18 February 2004), which created the Joint Electoral Management Body (JEMB). See JEMB website <http://www.jemb.org/eng/jembbg.html> for details.
- ^{xix} See UN-AMA website www.unama-afg.org for details
- ^{xx} See JEMB General Information about Wolesi Jirga and Provincial Council Elections at http://www.jemb.org/eng/parliamentary_faq.html#29
- ^{xxi} For details read JEMB Decision no 2005-2 <http://www.jemb.org/eng/Decision%202005/2005-2.pdf>
- ^{xxii} Read the full detail of the law at http://unama-afg.org/docs/_nonUN%20Docs/_Electoral%20Docs/Afghan-Docs/Political%20Party%20law%20ADOPTED_corr.pdf
- ^{xxiii} See JEMB General Information about Wolesi Jirga and Provincial Council Elections at http://www.jemb.org/eng/parliamentary_faq.html#29

^{xxiv} This section is a combined edited version of two papers written separately by Damaso Magbual, Vice Chairperson of ANFREL on “Single Non-Transferable Vote system (SNTV) – What it is and its Weakness” and Tim Meisburger of The Asia Foundation on “PR vs. SNTV – Election Systems in Developing Democracies”, during the Afghanistan election.

^{xxv} See JEMB General Information about Wolesi Jirga and Provincial Council Elections at http://www.jemb.org/eng/parliamentary_faq.html#29 also read about SNTV at http://www.jemb.org/eng/electoral_system/sntv_fa.pdf

^{xxvi} The word "constituency" is herein used to describe an electoral district. Boundaries of electoral districts are not necessarily contiguous with administrative boundaries.

^{xxvii} See "Democracy in Cambodia", The Asia Foundation, Phnom Penh, 2000.

^{xxviii} See "East Timor Focus Group Report", NDI, Dili, January 2002.

^{xxix} See AREU Briefing Paper "Free, Fair or Flawed: Challenges for Legitimate Elections in Afghanistan", Andrew Reynolds and Andrew Wilder, September 2004.

^{xxx} See JEMB General Information about Wolesi Jirga and Provincial Council Elections at http://www.jemb.org/eng/parliamentary_faq.html#29

^{xxxi} Read the full document on http://www.unama-afg.org/docs/_nonUN%20Docs/_Electoral%20Docs/JEMB/_code-of-conduct/political-parties.pdf

^{xxxii} For details read Article 52 on the establishment of the Electoral Complaints Commission at http://www.ecc.org.af/pdf/electoral_lawchapter9_articles52_eng.pdf

^{xxxiii} See JEMB Information about ECC <http://www.jemb.org/eng/ecc.html>. For details about ECC visit <http://www.ecc.org.af>

^{xxxiv} ECC Complaints Process at http://www.ecc.org.af/complain_process.html

^{xxxv} ECC Complaints Process at http://www.ecc.org.af/complain_process.html

^{xxxvi} Read Rules of procedure of the Electoral Complaints Commission (ECC) at http://www.ecc.org.af/pdf/ecc_rules_of_procedure_eng.pdf ; additionally read the Complaint Management Handbook for Provincial Electoral Commissions at http://www.ecc.org.af/pdf/PEC_Handbook_Eng.pdf

^{xxxvii} For details see http://unama-afg.org/docs/_nonUN%20Docs/_Electoral%20Docs/JEMB/_regulations/RegulationonMediaandCampaignfinal%5B1%5D.doc

^{xxxviii} http://www.jemb.org/media_commission/index.html

^{xxxix} This outlines in details the rules, regulations and undertaking by observers – national or international and agents. For details see <http://www.jemb.org/eng/Decision%202005/2005-25.pdf>

^{xl} For further details visit <http://www.aihrc.org.af>

^{xli} Excerpts from FEFA General Report on 2005 Wolesi Jirga and Provincial Council Elections in Afghanistan.

^{xlii} For further details visit http://www.aihrc.org.af/mon_inv.htm

^{xliii} Refugees International, Forgotten People: The Kuchis of Afghanistan, <http://www.refugeesinternational.org/content/article/detail/926/?PHPSESSID=5ce00f92779c166324e1d>

^{xliv} Refugee International, Kuchi Nomads: Displaced and Destitute in Afghanistan, <http://www.refugeesinternational.org/content/article/detail/3017/?PHPSESSID=5ce00f92779c166324e1d>

^{xlv} Refugee International, Kuchi Nomads: Displaced and Destitute in Afghanistan, <http://www.refugeesinternational.org/content/article/detail/3017/?PHPSESSID=5ce00f92779c166324e1d>

^{xlvi} Refugee International, Kuchi Nomads: Displaced and Destitute in Afghanistan, <http://www.refugeesinternational.org/content/article/detail/3017/?PHPSESSID=5ce00f92779c166324e1d>

^{xlvii} The Electoral Law is available online at <http://www.unama-afg.org/docs/Docs.htm> .

^{xlviii} The Electoral Law is available online at <http://www.unama-afg.org/docs/Docs.htm>.

^{xlix} The Electoral Law is available online at <http://www.unama-afg.org/docs/Docs.htm>.

^l For details visit <http://www.jemb.org/eng/civiced.html>

^{li} Pursuant to article 6, 58 and 60 of the Electoral Law (Decree 28/2004 of 27 May). This regulation governs the political campaign, the polling, counting, and tabulation processes and the presentation and certification of the results of the elections. Document available at <http://www.unama-afg.org/docs/Docs.htm>

^{lii} Pursuant to article 6, 58 and 60 of the Electoral Law (Decree 28/2004 of 27 May). This regulation governs the political campaign, the polling, counting, and tabulation processes and the presentation and certification of the results of the elections. The document is available at <http://www.unama-afg.org/docs/Docs.htm>

^{liii} JEMB webpage on Wolesi Jirga & Provincial Council Elections Progress of Audited Results <http://www.results.jemb.org/home.asp>

^{liv} JEMB Fact Sheet on 2005 Wolesi Jirga elections for Kuchi's http://results.jemb.org/assets/pdf/elections_for_kutchis_e.pdf

^{lv} Commission on Human Rights resolution 1989/51 of 7 March 1989. A UNDP Report on Democracy, Economic Development and Culture (May 2003), further states that, in 1988, the General Assembly adopted for the first time a resolution on "Enhancing the effectiveness of the principle of periodic and genuine elections" and called on the Commission on Human Rights "to consider appropriate ways and means of enhancing the effectiveness of the principle of periodic and genuine elections". Since 1988, the Assembly has adopted at least one resolution annually dealing with some aspect of democracy, not only to clarify the concept but also to elaborate on democratic principles, values, processes, institutions and mechanisms. Further more Resolution 2000/47 on "Promoting and consolidating democracy", and Resolution 2001/36 on "Strengthening of popular participation, equity, social justice and non-discrimination as essential foundations of democracy". The Commission adopted resolution 2001/41 on "Continuing dialogue on measures to promote and consolidate democracy".

^{lvi} There is a clear distinction in the mandate of a supervisory mission, a monitoring mission and an observation mission. A supervisory mission is in control of electoral process and has administrative and executive power, while monitoring gives a mission the mandate to interfere in case electoral process derails. Contrary to that, the mandate of an observation mission rules out any kind of interference. The mission has no authority to change, improve or correct any shortcomings in electoral process during the election period. The observation mission only has the mandate to collect and verify information concerning election-related issues, to analyse the observations and to publish its observations including assessing the findings against international standards for free and fair democratic elections and make recommendations.

^{lvii} Source UNOPS Basic Facts about Afghanistan www.unops.org.af

^{lviii} Afghanistan: Crosslines Essential Field Guides to Humanitarian and Conflict Zones, second edition, edited by Edward Girardet and Jonathan Walter, Crosslines Publications, printed in Bellegarde, France, 2004; The World Almanac and Book Facts 2005, World Almanac Books, edited by Erik C. Gopel, printed in the USA; and Neamatollah Nojumi, the Rise of the Taliban in Afghanistan: Mass Mobilization, civil war and the future of the regime, 2002.