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Asian Network for Free Elections

Afghan Presidential Election

AFGHANISTAN Presidential Election 2004

Report of International Observation
Mission

September- October 2004

Asian Network For Free Elections (ANFREL)



Asian Network for Free Elections

Afghan Presidential Election

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- All our long term and short term observers who have contributed their precious time to show solidarity and support to the people of Afghanistan in organizing the election.
- All ANFREL member organizations which, at the times of happiness and crisis, have constantly support the activities of ANFREL. It is imperative to mention here that the sending of their representatives to be part of this mission proves to be a pillar of a united Asian movement in supporting democracy and democratization efforts in Asia.
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Map and Flag of Afghanistan



Afghanistan Presidential Election 2004 ANFREL Observation Mission Report

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Acronyms

ANFREL - ASIAN NETWORK FOR FREE ELECTIONS

FEFA – THE FREE AND FAIR ELECTIONS FOUNDATION OF AFGHANISTAN

DEC – DISTRICT ELECTION COMMITTEE

GRS – GLOBAL RISK STRATEGIES

IFES – INTERNATIONAL FOUNDATION OF ELECTORAL SYSTEMS

IOM – INTERNATIONAL ORGANISATION FOR MIGRATION

ISAF – INTERNATIONAL SECURITY ASSISTANCE FORCE

JEMB – JOINT ELECTORAL MANAGEMENT BODY

JEMBS–JOINT ELECTORAL MANAGEMENT BODY
(SECRETARIAT)

NATO – NORTH ATLANTIC TREATY ORGANIZATION

NDI – NATIONAL DEMOCRATIC INSTITUTE

TAF – THE ASIA FOUNDATION

UNAMA – UNITED NATIONS ASSISTANCE MISSION TO AFGHANISTAN

UNDP – UNITED NATIONS DEVELOPMENT PROGRAM

UNOPS – UNITED NATIONS OFFICE FUND FOR WOMEN

USAID – UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT



Preface

ANFREL AND ITS MISSION TO AFGHANISTAN IN 2004

Background on ANFREL

The Asian Network for Free Elections (ANFREL) was established in 1997 as Asia's first regional network of civil society organizations to promote and support democratization at national and regional levels in Asia. ANFREL is a special project under the regional Non-Governmental Organization (NGO) Forum-Asia, and 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, Taiwan, Hong Kong, Philippines, Indonesia and Afghanistan.

Since the formation of ANFREL, all the election-related activities of FORUM-ASIA were turned over and undertaken by ANFREL. ANFREL's mission in Afghanistan is hoped to expand its regional networking by supporting organizations in Afghanistan to fully engage them in working towards democracy and democratization issues. Through its long-term observation program, ANFREL intends to support local organizations in Afghanistan by sharing its experience and giving its technical expertise whenever possible.

From 1997 until today, ANFREL has also been active in contributing other 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 in the Asian Region. Research activities on electoral reform, democracy and good governance have also been conducted jointly with civil society organizations in several countries. This has enabled ANFREL to understand the complex and diverse issue of democratization in Asia. With Afghanistan being a new born democracy in Asia, ANFREL is certain that its experience will be integral to the development



of democracy for the nation.

ANFREL's Involvement in Afghanistan

Through the Rights and Democracy organization based in Canada, two Afghan women observers were invited to be part of ANFREL's international observation mission in Indonesia during the Legislative Elections in 2004. This marked ANFREL's first involvement in exchanging views and opinions on democracy and democratization issues in Afghanistan. Being the first two Afghan women to participate in an international election observation mission, this event symbolized a great leap towards greater relations between Afghan nationals and the international community, particularly Asians in working together addressing issues on democracy in the region. The discussions that took place in Indonesia led ANFREL to decide to get actively involved in promoting democracy in Afghanistan.



In June 2004, preliminary planning was then made in Jakarta on the plans to execute an international observation mission for the Afghanistan Presidential Election in October 2004. From



various discussions made with friends and supporters of ANFREL, the director for the Elections Program of The Asia Foundation in Indonesia, Mr. Tim Meisburger showed a keen interest in supporting ANFREL's idea to get involved in Afghanistan's Presidential Election. Through his assistance and consultation, ANFREL made its initial contact with the Asia Foundation office in Kabul in mid May 2004. After making introductions via e-mails, The Asia Foundation office in Kabul then made the necessary arrangements for its Election Program Officer, Mr. Glenn Nye to have a meeting with ANFREL in Jakarta in July 2004. It was from this initial meeting that both ANFREL and The Asia Foundation office in Afghanistan decided to fully cooperate in making ANFREL's international observation mission for the Afghanistan Presidential Election possible. An assessment mission to Kabul was then conducted by ANFREL team members (soon after the wrapping up of ANFREL's mission in Indonesia) in August 2004¹. The assessment was funded by The Asia Foundation, and upon its successful completion TAF committed to fully fund the ANFREL mission to observe the October presidential election. All of the election observation funds provided by The Asia Foundation were made available under a Cooperative Agreement between The Asia Foundation and the United States Agency for International Development (USAID).



In the last 30 years, the

School at remote area in Feyzabad province

¹ A full report on the assessment mission is available in the appendix to the report.



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. Being the first direct national election to be organized in Afghanistan, the Presidential Election had great importance in the history of the nation. ANFREL felt that it would be vital that the Afghans receive training and education to introduce and prepare them in the spirit of democracy.

Objectives of the Election Observation Program

The electoral process is one of the basic needs for citizens of a country to enjoy their freedom to exercise 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 tight, elections thus play a major role in determining the future direction of a country. ANFREL believes that the electoral system of a country must be coordinated and monitored carefully to assure the system perform the task it is intended to perform.

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.”





ANFREL believes that the Presidential Election in Afghanistan will bolster the legitimacy of the government in the eyes of its citizens. ANFREL considers the efforts of UNAMA, the Transitional Administration and the International Community of NGOs to transfer the power to the people of Afghanistan through democratic and peaceful means as a great success.

It is in 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 focus in observing the Presidential Election in Afghanistan its freeness and fairness.

Relative to the complexity of the society, ANFREL anticipated that the Afghanistan electoral experience would be unique and promising as a fertile ground to enhance political understanding. Nevertheless, such thorough mission to study the evolution, cause and effect of Afghanistan Political changes was too huge a task to undertake at once, and might not be achievable in a short period of time. Understanding all these factors, ANFREL limited its mission in Afghanistan to focus on certain areas which will undoubtedly produce valuable experience to open doors for further democratization efforts in the future.

The objectives that ANFREL set for the observation mission for the Afghanistan Presidential Elections 2004 are simplified below:

1. To contribute to the 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 play a role in enhancing 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. 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 publish a report upon completion of the mission. The report will underline the outcome of the observation mission of the Presidential 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.

Conditions, functions and strategies of the observation mission

Conditions and functions of ANFREL Observation Mission

ANFREL's election observation program is 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. This principle provides for universal and equal suffrage, as well as the establishment of an impartial administration to ensure the reliability of the electoral process. Apart from an independent administration and supervision of the 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 play an important role in the pursuit of democratic election; therefore it is of the essence that all ANFREL observers recognized that the Afghanistan Presidential Election 2004 had these 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 acceptable freedom of expression allowing possible criticism of the incumbent government;
- there is an acceptable environment for the candidates and people of Afghanistan to exercise 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.



ANFREL Long Term Observers received technical training from Global Risk Strategy (GRS) before deployment.

As a rule, ANFREL observation missions never operate against the will of the host country. Since its formation in 1997, all the governments in its place of mission, civil society organizations and the general public have welcomed ANFREL. From its assessment mission, ANFREL recognized all these

factors are available for it to organize an observation mission



to Afghanistan. It must, nevertheless, be noted that the mandate of ANFREL observation missions rules out any kind of interference.² The mission had 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



ANFREL Long Term Observers visited JEMB head office in Kabul.

has the mandate to collect, verify and analyze information concerning election-related issues. After the conclusion of observation activities, preliminary and final reports on election observations will be produced and disseminated to the election authorities and related organizations.

ANFREL election observers observe the entire electoral process as it takes place to make an informed and accurate assessment on both

² 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.



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 creates 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 ANFREL 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



Welcome dinner for ANFREL hosted by TAF Kabul. Also present were security consultants from GRS and local election monitoring group – FEFA.



- 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.



ANFREL observers in a late night discussion with mission coordinator at the guesthouse where the team stayed.

Strategies

ANFREL mapped out a mission strategy which included an assessment mission, long- and short-term observers, and a training component for observers. The assessment team traveled to Afghanistan and



met with stakeholders in Kabul, followed by an assessment visit to a proposed field site in Herat. The long term observation team was deployed on the basis of a logistical plan prepared subsequent to the assessment mission. Long term observers then began observation in multiple areas in Afghanistan, as well as prepared for the arrival of the short term observers. ANFREL also deployed some short term observers to observe out-of-country voting operations in Pakistan and Iran.

The mission was comprised entirely of Asian election observers to symbolize the support of democratization in Afghanistan from her regional neighbors.

The Assessment Mission Team.

Before going forward to conduct other activities as planned, especially in a country after war and conflict, it was necessary for ANFREL to enter the country to assess it's social, political and cultural situation and at the same time built networking with local and international organizations (*e.g* The Asia Foundation, UNAMA, UNDP, FEFA and others). During this mission, a group of three ANFREL assessment team members introduced the



organization to the official election institutions, chiefly the Joint Electoral Management Body to learn the details of the election plan and to understand the application process for accreditation of international observers.

Assessment team departed Kabul for Herat



The assessment team also invested in the research for security, logistics and deployment areas of observers, accommodation, transportation and media relations. In this area, The Asia Foundation (TAF) was particularly helpful. In addition to providing financial support to the mission, TAF linked ANFREL with Global Risk Strategies, which was already in Afghanistan assisting with election operations and security advice under a contract to TAF. The team used the assessment to plan training workshops, curriculum, methodology and other specific strategies for the observation mission. Plans for hiring interpreters, booking accommodation and transportation were initiated during this mission. The mission members also identified medical and financial centers to facilitate the observation mission. Decisions about the coordination and deployment of the observers to the provinces were also made and during this mission, though final decisions were left flexible so that observers could be withdrawn and re-deployed from specific areas depending on the security situation in each area.

ANFREL's partnership in the Presidential Election Observation Mission

Among many representatives of civil society organizations in Afghanistan, ANFREL planned primarily to work in cooperation with FEFA, the newly set up election-monitoring network in Afghanistan. FEFA's sound



ANFREL observers in a discussion on the media role in the Afghan society given by a TAF consultant.



background in Afghanistan civil society movements made it the natural center for ANFREL to conduct missions to observe, investigate, assess and document situations and conditions that affect the conduct of free election in Afghanistan. ANFREL was not able to work as closely with FEFA as initially anticipated due to the fact that FEFA had not elected leadership until after the ANFREL assessment mission was concluded, but the organizations did communicate frequently during the period leading up to the election. Moreover, ANFREL pledged to cooperate with the United Nations and other observation missions present in observing, investigating and documenting human violations that may affect the integrity and fairness of the 2004 Presidential Election such as killing, armed attack, arbitrary arrest, abduction and detention.

Such an extensive cooperation with both Afghanistan civil society organizations and international agencies allowed ANFREL to observe and assess, with accuracy and on a continuous basis, the extent to which freedoms of association, assembly, expression and the right to freely participate in political exercises via electoral process will be truly respected.

Long Term Observation

A team of 16 long term observers (LTOs) was in the country for five weeks to observe the electoral process and to visit the local institutions as well as political parties. Observers were divided into teams of two, one male and one female member, and deployed to regional centers. LTOs were deployed in Kabul, Kandahar, Mazar-e-Sharif, Kunduz, Jalalabad, and Bamyan. The LTO intended to travel to Herat was re-deployed to Kabul after violence erupted in the city and threatened the ability of the LTOs to effectively observe the environment there without compromising their safety.

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 prepare all the necessary requirements for the short-term observers in their respected provinces. Training and briefing for the LTOs was provided in Islamabad and Kabul before their deployment to the provinces. LTOs also interviewed candidates for interpreters in the provinces and selected their interpreters.

Considering the security concerns in Afghanistan, ANFREL planned for its security coordination to be provided by its local and international partners. Through the support from The Asia Foundation office in Kabul, ANFREL managed to get its security consultancy from Global Risk Strategies (GRS), a private security consulting firm. It must be noted that through this special support provided by TAF Afghanistan through GRS that ANFREL's observation mission in Afghanistan was successfully conducted. Being civilians with no special training, ANFREL LTOs would not have been able to perform under such situation without assistance.

Short-Term Observation

A team of 24 experienced short-term observers from ANFREL's network in East Asia, Southeast Asia and South Asia was deployed in selected constituencies for a period of ten days. The selection of both short-term-observers and areas of deployment was based on consultation with ANFREL's partners in Afghanistan (TAF, GRS and FEFA) as well as the coordinating team's analysis of pre-election situation. The credentials of short-term observers were carefully chosen based on their experiences in areas related to election monitoring and local governance work. Based on information collected and analyzed by ANFREL coordinating team and ANFREL's local partners, these short-term observers observed, investigated, assessed and documented the final stage of the electoral campaign as well as the actual polling process.



Some of ANFREL's women observers posing with their headscarves in Islamabad before entering Kabul.

Two observers remained after the polling day to observe the counting and tallying process in the Central Region counting facility.

During the mission, short-term observers also met 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.

Out of country observation.

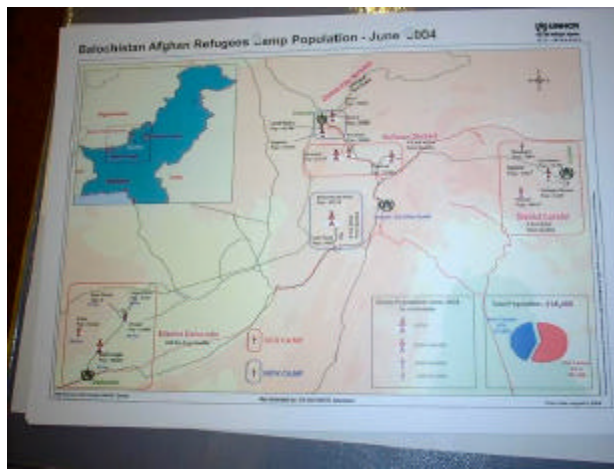
Pakistan and Iran Team

Out of Country voting was contracted by the JEMB to the International Organization for Migration (IOM) for Afghan citizens living in Iran and Pakistan.

For the ANFREL's Presidential Election Observation Mission to Afghanistan 2004, a team of 4 Short Term Observers was deployed to observe the electoral processes in Pakistan. The team was deployed to selected areas for a period of ten days. The out of country observation in Pakistan was funded by The Asia Foundation office in Kabul.



Through the support of the British Embassy in Kabul, ANFREL managed to deploy 6 short term observers for it's out of country observation mission to Iran. The team was deployed to selected



ANFREL also deployed two teams to refugee camps in Pakistan to observe the election there.

areas for a period of ten days. In the same context of the gender balance of the whole observation mission catering to the cultural and religious sensitivities, the ANFREL's out-of-country observation mission had a total of five male observers and five female observers.

The area of deployment of the short term observers was based on consultation with IOM and ANFREL's local partner in Afghanistan. During the mission, short term observers worked closely with JEMB, IOM, UNAMA and other International Organizations Representatives, Embassies, government officials at different levels, community leaders, civil society organizations and most importantly, voters.



Mainly, the purpose of the out of country observation mission was to observe the election administration in the refugee camps bordering Afghanistan. One added element that the observers will observe is the support given by the host country for Afghanistan elections. Despite this, they also gathered information on other dimensions of election observation mission, the same as what other Short Term Observers are trained to do. The observers were also expected to understand the basic standard by which the election was organized and how much this has supported the Afghanistan Presidential Election in general.

The observers also observed the registration process, the final stage of electoral campaign as well as the actual polling and counting process. The observers further evaluated on the efforts that taken to make out of country voting possible. The Iran Team did not observe the registration process in Iran due to the fact that IOM made use of the existing Iranian government registration roles rather than mount a new registration campaign for the presidential election.

An important element which the short term observers in Iran and Pakistan did not include as part of its mission was building capacity for civil society organization related to democracy and election observation programs in the places where they observed. This would normally be a part of the observation mission, but was not possible in this instance due to the extreme time constraints faced by the observation team in organizing the mission.

Out-of-country observers were trained together with other Short Term Observers before deployment. In addition to the general training, which was provided together with other short-term observers, a special training polling process was given by IOM. Materials for the out of country observation were also prepared separately with the help of IOM. They also followed other procedures, as other Short Term Observers will, depending on the



suitability of their mission.

A Coordination Team of two ANFREL staffs was based in Islamabad to coordinate both the out-of-country observation missions. The team worked closely with IOM and other related agencies for the preparation of all related works in getting the observers to Islamabad, training, logistics preparation for both countries and data collecting for the final report writing purposes.

Observation coverage

In total, ANFREL deployed 32 observers in 9 provinces of Afghanistan, including six regional centers, and visited 136 polling centers. ANFREL also deployed 4 observers in Pakistan and 6 in Iran to observe out-of-country voting. Observers in the ANFREL team came from 10 countries around Asia³.



Mr. Glenn Nye from TAF explaining the structure of JEMB to ANFREL observers in Islamabad

Training of International Observers Team

Under close cooperation with TAF, ANFREL managed to provide the international community who are supporting the democratization process in Afghanistan training programs. Three sessions of international

³ A complete list of ANFREL's observers is provided in the Appendix of the report.



observation training program were organized in the UNDP compound and benefited around 200 internationals. The training and briefing sessions were made open to anyone interested in observation and attendees included members of UN agencies, Embassies, and international and local NGOs. This contribution from ANFREL and TAF undoubtedly made more internationals effectively participate in observing the Presidential Election in Afghanistan.



ANFREL mission coordinator and TAF project officer giving briefing to ANFREL Short Term Observers in Islamabad before deployment.



Background on Afghanistan

Political History

Afghanistan became independent in 1919. It covers an area of 647,500 sq. km, which accommodates approximately 28 million



people (projected as of July 2003). Afghanistan is nestled in Central-Asia; a land locked country neighbored by Pakistan, Iran, Uzbekistan, Turkmenistan, Tajikistan and China. Afghanistan's capital city is Kabul, while Jalalabad, Kandahar,

Ghazni, Herat and Mazar-e-Sharif are other big cities in the country. Islam is the official religion of Afghanistan, which consists of two big sects, *Sunni* and *Shia*, with the *Sunni* as the majority. Afghanistan's history has resulted in a complex ethnic, cultural and religious mix. Dari and Pashtu are Afghanistan's two official languages. The main ethnic groups are Pashtuns, Tajiks, Uzbeks, Turkomans and Kyrgyz. They also include Hazara of the central highlands who were converted to the Shia sect by the Persians (Iran), the Baloch-speaking Balochis in the south-west and a myriad of diverse and exotic ethnic groups who live in the high, snow-bound valleys of the Pamir mountain region in the north-east. Twenty-three years of conflict destroyed much of Afghanistan's limited infrastructure and severely disrupted economic activity in all areas including agriculture. High numbers of land mines, drought and damage to centuries-old irrigation systems and infrastructure have damaged the agricultural economy of the country. Recent years saw grain production decline rapidly



but opium production expanded rapidly. Opium production has become the main sponsor of weapons procurement because of its intense capacity to generate foreign currency flow to the country. In 2002, Afghanistan was the world's largest producer of opium and in 2003 and 2004, despite government efforts, cultivation has remained high in many parts of the country.

Afghanistan Politics - 'a glance'

Afghanistan's recent history is characterized by war and civil unrest. The former king *Zahir Shah* was deposed in 1973 by his cousin, *Mohammed Daoud*, who then proclaimed Afghanistan as a republic and himself as its new president. Five years into his term, *Daoud* lost his republic and his life when the Afghan communist party overthrew the government during the 1978 *Inqilab-e-Saur* (October Revolution). Once in power, the communist *People's Democratic Party of Afghanistan* imposed policies of land redistribution, secularization and re-education. The party began to break down, however, in the face of popular resistance and factionalism allowing the Soviet Red Army to invade in 1979.

Militarization of politics in Afghanistan opened a bloody chapter in the country's history. Traditionally an internal security force, the Afghan army became heavily politicized in the 1970s as a result of two military coups that eventually brought the communists to power in 1978. Armed resistance to the "Saur



Kabul, a postwar city is waiting for development.



Revolution" plunged the country into the grips of a devastating civil war leading to the Soviet military intervention (1979-89) and increased Western support of Islamic-led anti-regime resistance forces, the *Mujahideen* (holy warriors). Political polarization of the country intensified as the war developed into a bloody Cold War battlefield throughout the 1980s. No previous war in Afghanistan caused as much social change as this civil war did. Traditionally, the regular army was enlarged by civilian militias in dealing with major domestic disturbances and foreign threats. During foreign invasions integrated contingents of civilian militias and elements of fragmented state armies had fought foreign invaders. But this war



Kabul airport. Closely watched by the eyes of the late Ahmad Shah Massoud.

split the nation in two. Each side had extensive foreign backing. The troops of the Moscow-backed Democratic Republic of Afghanistan (DRA) and its successor, the Republic of Afghanistan (ROA) tripled in less than ten years

to a total of 329,000. Increases in military hardware, particularly after the Soviet pullout, were even greater. The size of the ground forces expanded from 10 divisions to 22. On the other side, the *mujahideen* forces grew from local militias to a nationwide guerrilla force composed of numerous factions. These factions were united by a common enemy but divided along political, ethnic, and regional lines. Simultaneously, rapid and large-scale arming of opposing forces brought a major portion of the population under arms in the 1980s. The process, compounding the turmoil and collapse of internal politics during the 1979-80



period, gradually broke the professionalism of the armed forces and gave power to a variety of ethnic-regional factions and self-serving warlords.

As the Soviets withdrew from direct military involvement in the conflict in 1989, ethnic and regional elements on both sides of the weak ideological framed factions forged coalitions for a new struggle for power. In March 1990 a *Pashtun*-led alliance involving ROA Minister of Defense *Shahnawaz Tani* and *Golbuddin Hekmatyar*, who was the leader of a fundamentalist *mujahideen* faction, *Hezb-e Islami*, staged an unsuccessful coup to overthrow the government. Two years later, collaboration between the regime's non-Pashtun militia forces, a Tajik-led *mujahideen* faction under *Ahmad Shah Masoud*, and the *Shiite Hezb-e Wahdat* party engineered the downfall of the *Najibullah* government. This move, which frustrated the UN plan for a peaceful transition of power from the communist regime to a transitional government, led to an intense power struggle among the *mujahideen* groups. These groups had taken over different parts of the country and seized or looted weapons and heavy equipment from the deserted or surrendered military bases. Except for the formations linked to the anti-regime collaborators, no military unit maintained its organizational integrity. Eventually, the State and the army both collapsed.

The failure of foreign (largely Pakistani) influenced *mujahideen* groups to rise above factional interests blocked reunification of the country and restoration of peace. A Pakistan-mediated power-sharing arrangement failed to combine the competing parties into a national government. The deal merely apportioned the cabinet posts among power contenders without dissolving the factional militias. The 1992-96 *Tajik*-led Kabul administration under *Borhanuddin Rabbani* and his military chief *Ahmad Shah Masoud* did not succeed in its attempts to broaden its base. Neither did it, in more than nominal terms, organize a united army that could support reunification of the state. Opposition leaders, and



those former *mujahideen* nominally supporting the government, were reluctant to disarm their followers and join a weak government, which was politically and militarily controlled by the *Rabbani-Masoud* group.

The *Taliban* movement in 1994 came as a turning point in the Afghan civil war. Emerging as a popular reaction to prevailing chaos in a broken state, the puritanical *Sunni* militia found extensive support among the masses that had been victimized by continued infighting and lawlessness. As a predominantly *Pashtun* movement, the *Taliban* received extensive support from Pakistan and from *Pashtuns* across the country who thought the movement might restore their national dominance, bruised by the occupation of Kabul by the *Tajik*-led government. The radical Islamic *Taliban* established control over 90 percent of the country in less than four years by breaking up three warring factions and cornering the fourth. The three were: *Hekmatyar's Hezb-e Islami*, *Hezb-e Wahdat*, and the Uzbek-led *Jonbesh-e Mili Islami* under *Abdul Rashid Dostum* and *Malik*. The other group was the United Islamic Front for the Salvation of Afghanistan (UIFSA), commonly refereed to as the United Front. It was formed around the forces of *Ahmad Shah Masoud* and included the remnants of the *Wahdat*, *Jonbesh Mili Islami*, *Abdurrah Sayaf* forces and elements, which were once part of *Hezb-e Islami* of *Golbuddin Hekmatyar*. UIFSA had been identified itself as the military forces of the "Islamic State of Afghanistan" under ousted President *Borhanuddin Rabbani*. Ten percent of the country was strongly held by minority opposition groups led by president *Rabbani* and military commander *Ahmed Shah Massoud* and aided by foreign *Taliban* adversaries. *Shamali Itihad* (Northern Alliance) shared critics' objections to the *Taliban's* extreme fundamentalist methods and especially scorns of the *Pashtun* ethnic chauvinism.

The *Taliban* failed to stabilize the country and create an effective government. The *Taliban's* extensive links to Pakistan and to foreign extremist networks, and to wanted terrorists, along with



its condoning of massive drug production and its poor human rights record, resulted in international isolation of the movement. The *Taliban* imposition of far-reaching social restrictions and economic failure caused increasing domestic disapproval. Driven by competing interests in Afghanistan and the region, neighboring countries and other foreign states and non-state players had been supporting rival factions in the Afghan civil war. While Pakistan had, since 1989, campaigned for the emergence of a pro-Islamabad government in Afghanistan, Iran had been struggling to secure a balanced role for the Shiite minority in Afghan politics to avert the establishment of a hostile regime in Kabul. The two neighbors' distinct strategic aspirations stemmed from their varying level of influence over Afghan developments, their political priorities, and the geopolitics of the region. Fearing the spread of religious extremism to Central Asia, Russia, Uzbekistan, and Tajikistan supported the anti-Taliban opposition to block the militia's dominance of border areas.

From the mid-1990s, the *Taliban* had been suspected of providing sanctuary to Osama bin Laden whose al-Qaeda organization ran terrorist training camps inside Afghanistan. Bin Laden had earlier fought with the *mujahidin* against the Soviets. In response to the September 11 attacks in the United States and after the *Taliban* declined to surrender Bin Laden, a United States-led coalition began an aerial campaign against terrorist facilities as well as *Taliban* military camps and political assets in Afghanistan. At the same time, *Shamali Itihad* forces attacked the *Taliban* strong holds from the ground. The *Taliban*'s control of Afghan territory began to shrink toward its downfall. Mazar-i-Sharif fell on 9 November 2001, followed by Kabul on 13 November 2001, and Kunduz, the last Taliban stronghold in the north, on 26 November 2001. Kandahar, the last major city under Taliban control, fell on 7 December, 2001.



Recent Developments - 'Steps towards Democracy & Stability'

After the debacle of the *Taliban*, on 27 November 2001, a few major Afghan factions (anti-*Taliban*) met in Bonn, Germany to agree on a process to restore stability and governance to Afghanistan. The United Nations Assistance Mission for Afghanistan (UNAMA) has since been playing a pivotal role in the



Chairman Hamid Karzai votes during Afghan grand assembly called the Loya Jirga, in Kabul on June 13, 2002. Hamid Karzai won Afghanistan's presidential election in a landslide.

(Picture from : REUTERS)

implementation of Bonn Agreement.

At the Bonn Agreement, the factions agreed on a Transitional Administration (TA), which was elected by a *Loya Jirga* (Grand Assembly) in June 2002. The *Loya Jirga* also elected Hamid Karzai as interim President of Afghanistan.

According to the agreement the TA

administered Afghanistan until presidential elections could be held. In early January 2004, another *Loya Jirga* approved Afghanistan's new constitution, establishing the country as an *Islamic Republic*.

The Political System of Afghanistan - 'The New Constitution'

Afghanistan identifies itself as an "Islamic Republic." The Constitution adopted on January 4, 2004 paved the way for nationwide presidential and parliamentary elections. Countrywide registration of adult citizens for voting began even before the



Constitutional Loya Jirga concluded.

The Constitution has 12 Chapters and 161 Articles. The primary organs of government are therein specified as below:

The President

The President is the head of state of the Islamic Republic of Afghanistan, and conducts his authorities in executive, legislative, and judiciary branches in accordance with the provisions of this Constitution. The President is elected for 5 years by receiving more than 50% of the votes cast through free, general, secret, and direct voting. If none of the candidates succeeds to receive more than 50% of the votes in the first round, a run-off election shall be held within two weeks. In this round, only two candidates with the highest number of votes will participate. In the run-off, the candidate who gets the majority of the votes shall be elected as the President. The elections for the post of president shall be held under the supervision of the Independent Commission supervising the Elections. Presidential candidates should be citizen of Afghanistan, Muslim and born of Afghan parents, and should not have citizenship of another country. On the day of becoming a candidate, his age should not be less than forty years.

The Government

The government consists of the ministers who work under the Chairmanship of the President. Ministers are appointed by the President and shall be introduced for approval to the National Assembly.

- The National Assembly

The National Assembly of the Islamic Republic of Afghanistan as the highest legislative organ is the manifestation of the will of its people and represents the whole nation. The National Assembly



consists of two houses: *Wolesi Jirga* (the House of People) and *Meshrano Jirga* (House of Elders). No one can become a member of both houses simultaneously. Members of the *Wolesi Jirga* are elected by the people through free, general, secret, and direct elections for 5 years. The number of members of the *Wolesi Jirga*, proportionate to the population of each region, shall be not more than two hundred and fifty. Electoral constituencies and other related issues shall be determined by election laws. In the election law measures should be adopted for so the election system shall provide general and just representation for all the people of the country, and at least two female delegates should be elected from each province.

Members of the *Meshrano Jirga* (House of Elders) are elected and appointed as follows:

1. From among the members of each provincial council, the respective council elects one person for a period of four years.
2. From among the district councils of each province, the respective councils elect one person for a period of three years.
3. Members of *Wolesi Jirga* should be Twenty-Five years old at the date of candidacy, and members of the *Meshrano Jirga* should be Thirty-Five years old at the date of candidacy or appointment.
4. Credentials of members of the National Assembly are reviewed by the Independent Electoral Commission in accordance with law.

In the beginning of the legislative period, each one of the two houses elects one of its members as the Chairperson, and two people as the first and second Vice Chairperson, and two



people as the secretary and assistant secretary for a period of one year.

The National Assembly has powers of ratification, modification, or abrogation of laws and or legislative decrees, approval of plans for economic, social, cultural, and technological development and approval of state budget, permission for obtaining, and granting loans. The *Wolesi Jirga* has special powers of deciding on interpellation of each of the ministers in accordance with the provisions of article 92⁴ of this constitution and taking the final decision about the state's development programs and state budget, in case of a disagreement between the *Wolesi Jirga* and the *Meshrano Jirga*.

Loya Jirga

A *Loya Jirga* is the highest manifestation of the people of Afghanistan. A *Loya Jirga* consists of members of the National Assembly, chairpersons of the provincial, and district councils, the ministers, Chief Justice and members of the Supreme Court can participate in the sessions of the *Loya Jirga* without the right to vote. *Loya Jirga* is convened to take decision on the issues related to independence, national sovereignty, territorial integrity, and supreme interests of the country, to amend the provisions of the Constitution, to prosecute the President in accordance with the provisions of Article 69⁵ of the Constitution. The *Loya Jirga* in its

⁴ "Wolesi Jirga, based on a proposal by one-tenth of all members, can interpolate each of the Ministers. If the responses given are not satisfactory, Wolesi Jirga shall consider the issue of vote of no confidence. Vote of no confidence on a Minister should be explicit, direct, and on the basis of well founded reasons. This vote should be approved by a majority of all members of the Wolesi Jirga."

⁵ The President is responsible to the nation and the Wolesi Jirga in accordance with this article. Accusations of crime against humanity,



first session elects from among its members a chairperson, a deputy-chair, and a secretary and an assistant secretary. The decisions of the Loya Jirga are taken by a majority of the present members except in cases as explicitly stated in the Constitution.



*A sight of its pass. An abandoned tank
in Panshir.*

national treason or crime can be leveled against the President by one third of the members of the Wolesi Jirga. If two third of the Wolesi Jirga votes for charges to be brought forth, the Wolesi jirga shall convene a Loya Jirga within one month. If the Loya Jirga approve the accusation by a two-thirds majority of votes the President is then dismissed, and the case is referred to a special court. The special court is composed of three members of the Wolesi Jirga, and three members of the Supreme Court appointed by the Loya Jirga and the Chair of the Meshrano Jirga.



PATH TO THE FIRST PRESIDENTIAL ELECTION IN AFGHANISTAN

The Afghanistan Presidential Election was first discussed during the Berlin conference on Afghanistan at which three priorities were identified: political reconstruction, improving the security situation and economic reconstruction. All three thematic areas are inevitably interrelated and mutually dependent.

Regarding political reconstruction, the key topic at the Berlin Conference was that an election should take place in June 2004 to legitimize a new government. Registering of voters, however, made slow progress initially, and by the end of February 2004, just ten percent of the estimated number of eligible voters was registered. The different degrees of volatility and significance of the presidential and national assembly elections (called for under the new Constitution) as well as the different preparatory measures they required made holding the two simultaneously very difficult. The Legislative Election is a more complex process, and to introduce such a system to a fairly new democracy can be demanding and hazardous to the development of democracy in the nation. The Legislative Election represents the true challenge that Afghanistan's political reconstruction is facing. The direct confrontation in addition to the precarious security situation was a significant obstacle to a free and fair election. There has been and continues to be a threat of the warlords dictating voting in the areas they control, despite growing authority of the central government. This factor adds the already volatile situation that is created by the direct confrontation between the clans in the Legislative Election. Above all other factors, this posed the greatest worry for the election to be organized as scheduled.

There is also a serious lack of developed political parties. Without time to organize political parties, it was worried that the Legislative Election would only institutionalize the current warlord based political hierarchy. Thus there are doubts whether the parties



doing well in the elections would be conducive to Afghanistan's young, still very fragile democracy. Finally, there was the danger of the elections becoming ethnicized. Prior to the presidential election, it was unclear as to whether individual candidates or parties could reach out and build support among a number of ethnic groups.

Given the considerable potential for conflict, preparation of the parliamentary elections needs to be done over a reasonable period of time. The JEMB decided to postpone the national assembly elections until 2005, choosing instead to concentrate on a successful presidential election, which is planned for October 2004.

THE CHALLENGES AHEAD THE PRESIDENTIAL ELECTION

Security

The main challenge faced by both the local and international community was the problem of the unsatisfactory security situation, which jeopardized progress in political and economic reconstruction. Ongoing battles between the Afghanistan National



International Security Assistance Force (ISAF)

Army, supported by the US and coalition partners, and the Taliban remnants and other insurgent groups turned much of the South of the country into a

combat zone. In addition, in the northern half, countless warlords are in power that have their own militias, impose protective tariffs and act entirely independently of the government. So far, the



demobilization, demilitarization and reintegration programs for ex-combatants have shown only modest success.

The international communities repeatedly asked NATO to upgrade its presence in Afghanistan ahead of the presidential election. In the NATO summit in June 2004, a timely pledge to upgrade the NATO presence in Afghanistan gave new light to the preparation of the Presidential Election⁶. NATO sent additional forces to Afghanistan to help bolster the ability of the ISAF forces to provide area security for the elections, in the areas where ISAF forces are present.

Voter Registration



Voter registration in female station

Growing insecurity in Afghanistan mostly in the south and east, posed one of the most serious challenges to a successful voter registration process. A series of attacks on UN and aid workers meant that humanitarian and development work has been suspended across much of the south. With these suspensions, it was worried that the voter registration process would further lag behind schedule. Around 500 people, including many militants, were killed in Afghanistan in the period of six months since middle 2002, the bloodiest period since the Taliban

⁶ Keynote address to the Euro-Atlantic Partnership Council at the NATO Summit June 29, Afghanistan President Hamid Karzai; full text in the appendix of the report



was deposed by US-led forces in late 2001.

As the date of the Presidential Election gets nearer, more than 20 people have died in recent violence - including an explosion in the capital, Kabul. Some 12 people were killed and another 30 injured in election-related violence over the nine months it took to register voters, the UN says⁷.

Amid all the challenges and security threats, the voter registration program in Afghanistan was implemented as one of the most important steps along the path to the free, fair and credible elections envisaged in the Bonn Agreement⁸. The voter registration program for the presidential election was intended to assist the development of an inclusive voter registry in Afghanistan. Nevertheless, the condition of the country limits the success of the voter registration program to achieve its objective to the fullest, although the registration drive was successful in registering a very large number of people. With data available for the population of the country outdated, the basic foundation to work on the percentage of eligible voter's is debatable to start of with. It is imperative though that a national census be done in getting an estimation on the number of eligible voters in Afghanistan. However, the financial, time, security and cultural constraints made this process unfeasible before the presidential election, allowing the voter registration program to be carried forward with minimal information on the population and gender of the country. These issues have contributed to a great deal of

⁷ BBC online news, 6 September 2004

⁸ Press Briefing by Manoel de Almeida e Silva, Spokesman for the Special Representative of the Secretary-General on Afghanistan



uncertainty in the Afghan society on the credibility of the electoral process. As what will be discussed later in this report, the lack of confidence in the voter registration process caused some segments of the Afghan society to questioning the credibility of the whole electoral process.

There were very few political parties registered prior to the election, and a new law regulating party politics was passed late in the election preparation stage. A successful election usually has monitors from established political parties playing a key role by watching the process in each polling station. The JEMB did allow candidate agents, as well as party agents, to register as monitors. Due to time constraints, however, there were not enough to cover all the polling stations. Still, the parties and candidates did mobilize a significant group of monitors and local observer organizations also had observers in many polling stations, setting a good example for future elections.

Despite the challenges, by the end of the registration period, over 10 million voter registration cards had been issued. This number exceeds the expectation for registration, however due to the uncertainty of the quality of the registration program it is unclear whether if all registered voters fulfill the provision for eligible voters according to the electoral law⁹. As ANFREL observers reported, many voters claimed to be 18 years of age but looked younger. It is however very difficult to verify the age as there are no other supplemental documents to check in many cases.

⁹ The Electoral Law is available in the appendix to the report.



Election Administration and Training of Election Officials

Organizing the first ever democratic election in Afghanistan was definitely a daunting task. With its security concerns and logistical limitations, this had to be among the most challenging an election administration could ever face. With assistance from the international community and UNAMA, the JEMB took charge in administering this historical event in Afghanistan history. One of the biggest tests to the JEMB was to train its officers in implementing plans to organize the election. The voter registration campaign for instance was labor intensive, and required thousands of local and hundreds of international employees to make it work.

“Our operations started at one third of the scale that we had expected. That meant quite a number of Afghan workers could not be deployed because of the lack of international supervisors,” Reg Austin, chief international advisor at the JEMBS, said, adding that the problem was compounded by a lack of registration sites.

The issue of training of election officers was also a concern, giving the fact that there were not many Afghan nationals readily available to run the electoral process as this was the first time such an exercise took place. ANFREL observed that there were limitations especially in employing female election workers. The lack of female election workers also complicated the electoral process as the Afghan nationals in general are very sensitive in allowing men to work in female election sites.

Public Awareness

The concept of elections and democracy is relatively very new to the Afghan society. Having said this, it is important to state that the Afghan society must not be mistaken as anarchistic. Destroyed by years of resistance to the Soviet's invasion and years of civil war that followed, the democratic system that has been enjoyed by most of the people in the world was denied to the Afghans.



Introducing such a system doesn't pose a systematic resistance as the Afghan nationals are mostly acceptable and welcoming to this concept. But given Afghanistan's bloody history and series of autocratic rulers, convincing ordinary people of the benefits of democracy is no easy task, thus, introducing the technicalities of the system requires programmatic planning with considerable logistical support. Generally, the lesser the understanding towards election and democracy is given out to the public, the less credible the electoral process will be perceived.

Based on hierarchies in Afghan society, mullahs would be the most effective way of spreading public awareness about the benefits of an election, particularly in conservative rural societies. ANFREL observers noted that in areas where they visited, mullahs were very helpful in spreading the message, mainly in convincing men to allow their women to register.

As there are strong supporters of democracy within the Afghan society, there are also people who are cautious and cynical about the system. Despite this palpable sense of cynicism among them, ANFREL observed civic educators who were constantly trying to impress upon skeptical community leaders that the election process has international backing and will be free and fair, and that it is considered acceptable in Muslim societies around the world.

THE PRESIDENTIAL ELECTION SYSTEM

The basic reference of the constitutional provisions for the Presidential Election System is Article 33, clause (1) and 159 of the Constitution of Afghanistan to regulate electoral affairs in the country. In addition to that, the electoral law regulates matters concerning the election such as the General Provisions, Electoral Administration, Constituencies, Electors and Candidates, Candidacy and Election of the President, Parliamentary (National Assembly) Elections, Provincial and District Council Member Elections, Preparation for Elections, Electoral Complaints



and Offences Inquest and Elections During the Transitional Period.

For the Presidential Election, the whole country was regarded as one big electoral district and voters were only asked to choose one President along with two corresponding Vice Presidents. Voters were free to vote in any polling station in the country regardless of the area they live in. The Single Non-Transferable Voting System also doesn't apply to the Presidential Election as voters voted directly for the candidates, not through a political entity.

Candidacy of the President and the Vice President

According to Chapter V (article 16) of the Electoral Law (on Candidacy and Election of the President) candidates' eligibility are drawn down as below:

- I. Persons who fulfill the condition of eligibility established in Article 62¹⁰ 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.

¹⁰ **Article 62 of the Afghanistan Constitution [Qualifications]**

(1) Presidential candidates should possess the following qualification:

- Should be citizen of Afghanistan, Muslim and born of Afghan parents, and should not have citizenship of another country.
- On the day of becoming a candidate, his age should not be less than forty years.
- Should not have been convicted of crimes against humanity, criminal act, or deprivation of the civil rights by a court.

(2) No one can be elected as president for more than two terms.

(3) The provision of this article is applied to the Vice Presidents as well.



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

*Article 44 of the Electoral Law states:

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
 - b. Copy of the candidate's voter registration card
 - c. Political party candidates must submit copy of the party registration with the Ministry of Justice
 - d. Sworn statement attesting to the candidate's date and place of birth, and citizenship
 - e. Acceptance of the nomination signed by the candidate
 - f. 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 candidate 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.
7. 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:
 - a. Presidential candidacy must be supported by the copies of (10,000) voter registration cards that include different ethnic groups and provinces of the country
 - b. Wolesi Jirga candidacy by the copies of 500 voters' registration cards
 - c. Provincial council candidacy by the copies of 300 voter registration cards
 - d. District council candidacy by the copies of 200 voter registration cards
 - e. No person will provide photocopy of his/her voter's card to more than one candidate in each type of election.



- f. The copy of the collected cards will be kept with the IEC secretly.
- g. The Independent Electoral Commission shall verify that candidates fulfill the conditions of eligibility established in the Constitution and in this law.

Chapter V (article 16) of the Electoral Law (on Candidacy and Election of the President) restricts the candidates in stating that candidates shall not:

- a. Pursue objectives that are opposed to the principles of the holy religion of Islam and the word and spirit of the Constitution.
- b. Use force, or threaten with, or propagate the use of, force;
- c. Incite ethnic, linguistic, regional or religious tension and discrimination;
- d. Create real danger to the rights or freedoms of individuals or intentionally disrupt public order and security;
- e. Have non-official military forces or be part of them;
- f. Receive funds from foreign sources
- g. Receive funds from internal illegal sources
- h. The Independent Electoral



Commission shall verify and approve the eligibility of the candidates.

Chapter V (Article 17) of the Electoral Law explains that the Election of the President is based on:

- a. The President is elected, in accordance with article 61 of the Constitution¹¹ and this law, by a majority of the valid votes of voters cast in an election.
- b. 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

¹¹ **Article 61 of the Afghanistan Constitution [Direct Election]**

- (1) The President is elected by receiving more than 50% of the votes cast through free, general, secret, and direct voting.
- (2) The presidential term is expired at the first of Jawza of the fifth years after the elections.
- (3) Elections for the new president are held within thirty, to sixty days before the end of the presidential term.
- (4) If none of the candidates succeeds to receive more than 50% of the votes in the first round, a run-off election shall be held within two weeks.
- (5) In this round, only two candidates with the highest number of votes will participate.
- (6) In the run-off, the candidate who gets the majority of the votes shall be elected as the President.
- (7) In case of death of one of the candidates during the first or second round, after the elections or prior to the announcement of the results of elections, new elections shall be held in accordance with the provisions of law.
- (8) The elections for the post of president shall be held under the supervision of the Independent Commission supervising of the Elections.
- (9) This Commission shall be established to supervise all elections and referendums in the country, in accordance with the provisions of law.



election results. The candidate receiving the most valid cast votes in the runoff election shall be declared elected.

- c. 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.
- d. 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.



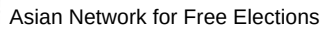
There were 18 Presidential Candidates in the Afghanistan Presidential Election 2004. They were (in the order of candidate in ballot paper – from top to bottom)¹²:

¹² JEMB press release on the Candidates for the Presidential Election is



CANDIDATES	POLITICAL PARTY
1. Abdul Latif Pedram	Hezb-e-Congra-e-Mili Afghanistan
2. Hamid Karzai	Independent
3. Hamayon Shah Asifi	Independent
4. Mir Mohammad Mahfouz Nedae	Independent
5. Haji Mohammad Mohaqiq	Independent
6. Syed Ishaq Gilani	Nuhzat-e-Hambastagee Mili Afghanistan
7. Abdul Satar Serat	Independent
8. Abdul Hafiz Mansoor	Independent
9. Ghulam Farooq Nijrabi	Hezb-e-Istiqlal-e-Afghanistan
10. Ahmad Shah Ahmadzai	Independent
11. Abdul Hasseb Aryan	Independent
12. Wakil Mangal	Independent
13. Abdul Hadi Khalilzai	Independent
14. Mohammad Ebrahim Rashid	Independent
15. Yonus Qanooni	Hezb-e-Nuhzhat-e-Mili Afghanistan
16. Massooda Jalal	Independent
17. Syed Abdul Hadi Dabir	Independent
18. Abdul Rashid Dostum	Independent

available in the appendix to the report



Afghan Presidential Election

[illegible]



Campaign and Campaign Funding

The Afghanistan Presidential Election was scheduled on 9th October 2004. The campaigning period was programmed for a period of one month starting from 7th September 2004 to 7th October 2004, having 2 days quiet period before the Election Day. Campaign of each candidate was regulated by Article 1 of the regulation on Political Campaign which was adopted by the JEMB pursuant to Articles 39, 48, 55 and 56 of the Electoral Law.



A big campaign of one candidate before the polling day.

This regulation explains on the campaign period, freedom of expression during political campaign, demonstrations, public meetings, gatherings and rallies during political campaign, campaign materials and observation by electoral officials and observers. However,

no regulation was set on campaigning funds and the limit for campaigning limit expenditure. Chapter V (article 16) of the Electoral Law (on Candidacy and Election of the President) which regulates that no candidates can:

- i. Receive funds from foreign sources
- j. Receive funds from internal illegal sources

However, no other regulation is made to make the record of the



expenditure of the candidates available. ANFREL feels that it is imperative that the JEMB draws regulations for the transparency of campaigning funds and limit the campaigning expenditure for candidates and parties. This is to ensure that the campaigning funds used in the elections are free from illegal sources.

Election Administration

In order to establish an effective and independent national body to advise the Government in all electoral matters and to cooperate with the United Nations Assistance Mission to Afghanistan (UNAMA) in the preparation and administration of voter registration for the elections, Mr. Hamid Karzai, President of the Transitional Islamic State of Afghanistan (TISA) issued Decree n. 39 of 26 July 2003, which established the Interim Afghan Electoral Commission (IAEC). The six members of the IAEC are entrusted with various responsibilities, including recruiting civic education and registration staff, advising the Government on the preparation and issuance of an electoral law, participating in a capacity building programs, preparing for the elections, and any other duties specified by any subsequent legislation relating to the voter registration process for the 2004 general elections.

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



JEMB Officers



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). The JEMB consists of eleven members, six being the Commissioners of the IAEC and five international electoral experts being appointed by the UN Special Representative of the Secretary General for Afghanistan. The JEMB was established as a Legal/Administrative body tasked with the issuance and publication of regulations, procedures, instructions, notifications, and guidelines for the registration process. Decree n. 110 of 18 February 2004 further gave the JEMB full responsibility for preparing, managing, convening and overseeing the 2004 general elections. The decree also added two non-voting members to the JEMB: the Director of the Electoral Secretariat and the UNAMA Electoral Advisor. The functions of the JEMB will lapse at the end of the transitional period unless provided otherwise by further legislation.

The JEMB is assisted by a secretariat (JEMBS) in implementing its policies. At all levels, UNAMA worked very closely with the JEMB in assisting the body to administer the election. The operations structure under the JEMBS consisted of 4 Area Planning Advisors which administer 8 Regional Officers which administer 35 Provincial Officers. Besides the Area Planning Advisors, other important planning divisions are Electoral Planners, Security Advisors, Logistics Advisors and Procedures and Planning Advisors. The UNDP Voter Registration Project manager also falls under the structure of JEMBS and reports to the secretariat.

The Presidential Election has put the structure of JEMB to the test. ANFRELE suggests that an independent supervisory body is set up to support the JEMB for the coming Legislative Elections. Measures taken to heighten transparency in the electoral management body will give the JEMB higher credibility in the eyes of the voters. ANFRELE highly recognizes the value of UNAMA's assistance for Afghanistan however suggest



that UNAMA limits its involvement in administering the Legislative Election to create a higher sense of ownership among the Afghan nationals in their electoral system.



Observation and Findings

1. Campaigning during Campaigning Period

1.1. Rallies and Open Campaigning

Throughout the Campaign Period (7 Sept – 7 Oct 2004), ANFREL LTOs found that the period went on in a very peaceful manner. Nonetheless, what seems to be the more significant part of ANFREL's findings during this period is that the presidential candidates were not actively campaigning during this period. Reasons for them to not actively campaign were not clear, some interviews made suggest that there were no sufficient funding for most of the candidates to take more vigorous steps in campaigning. ANFREL observers were not able to verify this statement as there was no regulation made by the JEMB for the candidates to disclose their campaign finances for the election. Others suggest that there were threats of violence from various groups to disrupt the



Massooda Jalal, an only female candidate for this election

Presidential Election, therefore the candidates took more quiet and careful methods in campaigning for the presidential seat. ANFREL LTOs in Kabul reported:

“ANFREL was told by UNAMA that not many campaigns were carried out by the candidates so far. There were several reasons for the phenomenon. Firstly, the Taliban is constantly threatening to disturb the election, (candidates feel) it might be risky to carry out public speech or

public gathering. Moreover, the society is still not use to the format of the election campaign as other countries.”

There were a few attacks reported during the campaigning period including one assassination attempt towards the interim president Hamid Karzai in his campaign in Gardez, however, there was only one attack made during a rally which was observed by ANFREL LTOs during the campaigning period. ANFREL observed more attacks targeted to the JEMB, UN or other international organizations present in Afghanistan rather than directly towards the presidential candidates. It is interesting to develop a discussion on whether this can be a sign of acceptance of democracy but a clear rejection on the involvement of internationals in the process. A case was reported to ANFREL LTOs in Kabul where the locals felt that UNAMA was supporting a particular candidate during a civic education program, jointly organized by them. After investigating about the report, ANFREL LTOs in Kabul reported;

“We (ANFREL LTOs) visited Sharwan Centre of Kabul headed by Mr. Rahim (Ministry of Information and Culture) during



the survey of polling centers. The center told the observers that they carried out civic education with UNAMA. Since the center has been organizing campaigns for Hamid Karzai, UNAMA was then alleged to giving bias support to this particular candidate. Consequently, the observers request the Kabul region UNAMA to clarify this information. UNAMA responded to the observers by saying that they did not provide any material support to any particular candidate. However UNAMA did provide “advice” to some organizations regarding the election in general. It was believed that the Sharwan Centre regards the advice from the Ministry of Information and Culture as a support from UNAMA. Although the suspicion on the impartiality of UNAMA was clarified, the source of support of the campaign carried out by Sharwan Centre remained unclear.”

In Jalalabad, the poor security condition affected the campaigning activity. ANFREL observers there reported:

“According to the UNAMA, JEMB and GRS security reports, the security situation in Nuristan, Lagman and Kunar provinces are critical, therefore political activities in these areas are limited. In some places in Jalalabad region the environment for free and fair elections are very questionable. This condition badly affected the electoral civic education programs and has reduced particularly the active participation of women in elections. Besides this, the people in rural and remote areas (in Jalalabad region) are generally unaware of the existence of party politics, election campaigning and candidates for this election. It was observed that most of the political parties have offices and coordinators in Nagarhar province but not others. In many part of the region, security situation leaves a fearful environment for political activities, direct attacks and threats on political officials prevented many election works and people’s participation in election.”

It is also very important to note that the threats and attacks made in Afghanistan during the whole period of the presidential



election must not be mistaken as all being politically motivated or election related. ANFREL observed several threats and attacks which were essentially not election related but somehow can escalate to disrupt the electoral process. The third most spoken about reason for the lack of campaigning from the candidates is that most of the candidates are not serious in challenging the interim president Hamid Karzai for the seat as they suspect their chances of winning to be doubtful. ANFREL observers could not find any findings to support such claims as no interviews with the candidates were successfully arranged. One ANFREL team managed to get a comment from close affiliates of some Presidential Candidates in Kandahar. ANFREL LTOs (Kandahar) reported:

“Comments from interviewees indicate that some candidates do not intend to campaign. They feel that it would be a waste of time as the Hamid Karzai will win the elections anyhow. They also noted that the security situation hindered the campaigning of candidates.”

ANFREL LTOs in Bamyan reported:

“Little interest is shown by most of candidates to actively campaign in the Central Region. Currently, only six candidates have opened office and organized activities (campaigning). They are Hamid Karzai, Mohaqiq, Qanouni, Masooda Jalal, Gailani and Hafiz Mansoor. Voters have limited choice of candidates due to lack of interest by candidates.”

Despite the serious lack of open rallies, ANFREL LTOs observed some open rallies. LTOs in Mazar-e-Sharif reported:

“In Mazar-e-Sharif, city campaign for the candidates is a normal practice during the last week of campaigning. Presidential candidate Mohammad Mohaqiq visited this area on the 1st of October. Mohammad Yunus Qanuni visited this area on the 4th October. A good number of people welcome him in the city



standing both side of the road. He talked and greeted the people. General Abdul Rashid Dostum visited this area on 5th October. There were two public rallies on 6th October, one was of Hamid Karzai and another was of Gen. Dostum. Governor of Balkh, General Atta Mohammad Noor informed ANFREL observation team that provincial government is co-operating with the political parties and candidates for arrangement of rally if they inform the administration. Different types of posters can be found in the city and districts. Beside this, different types of leaflets were distributed among the voters by the organizers of the campaigns.”

ANFREL LTOs in Kunduz also reported on campaigning activity. Although many ANFREL observers reported on the participation of civil servants in candidates’ rallies, only the observers in Kunduz noted that protest was made on this (in this particular occasion). They wrote:

“On October 4, Ziah Mas’ud who is the vice presidential candidate of Hamid Karzai organized a rally at the central of city. More than 2000 people were present including the Governor and the Chief of the Police. The principal of Sirkhan School attended the campaign together with all the teachers and students. The school’s participation in the campaign has led to some protests among the people. They went to UNAMA office to file the protest; however they were not allowed to enter the compound of UNAMA.”

1.2. Posters and Banners

Contrary to poor open campaigning and public rallies, ANFREL LTOs observed a substantial amount of posters promoting candidates for the Presidential Elections. Some reports from ANFREL LTOs suggest:



In Jalalabad:

“As the date for the first presidential election in Afghanistan approaches, the number of election campaign (posters) hiked in Nangarhar Province and especially in Jalalabad City. Walls, bus stands, shops, houses and other public places were covered by presidential candidates’ posters. Candidates (posters) observed were of Karzai, Dustum, Gilani, Qanouni and Ahmadzai. Because over 250,000 voters are registered in Jalalabad, more attention was given to this district.”



A candidate's poster in a polling station in Faizabad.

In Mazar:

“It was observed that the city were literally full with posters of almost all candidates. The most posters observed were of Abdur Rashid Dostum, a very popular candidate for this region.”

ANFREL LTOs in Kunduz, Bamyan and Kabul also reported a high number of

campaign materials such as posters and banners were observed, especially in the center of the city.



An unattended polling station observed by ANFREL observers (top) while the staffs of the polling station were outside being interviewed by a local newsman (below).

The ballot box was left behind without guarded. This shows the lack of training for the polling officials.

1.3. Media

The media was also used as a form of campaigning during the Presidential Election. The most famous media that was used was radio broadcasting. This is because a wider coverage of listeners can be covered by using this medium. As the literacy rate is very low in Afghanistan, campaigning through local magazines and newspapers was almost inexistence. The second most popular method of campaigning through media is by using TV broadcasting.

ANFREL LTOs in Mazar noted:

“Candidates were observed announcing their policies on TV. Last week, 20 minutes were allocated for each candidate to give a speech on Kabul TV and it was relayed directly to Balkh TV in order to gain more coverage for publicity. We also observed that all candidates are having press conferences through radio.”

ANFREL LTOs in Bamyán reported that at early stages of the campaigning period, the candidates were offered to air their



campaigning program with a fee in Bamyan. However, the candidates refused to pay the fees. The programs were then cancelled. Later on, Radio Bamyan broadcasted interview programs from Kabul, which was 1½ hours, twice daily.

2. Information on Candidates

ANFREL observers found that voters received very limited information on the candidates. The limited amounts of information they gathered on candidates were mostly from personal networking rather than open campaigning. It is also apparent that quite a number of voters (especially female voters) are still influenced by their families in making the decision for whom to vote. This phenomenon therefore contributes to the lack of motivation to know more about the candidates by the voters as expectation for the leaders of the family to make the voting decision for voters are very high. Observers in Kabul reported:

“Gatherings were organized to promote political candidates through personal networking. Unfortunate it is very difficult for the observers to access to the information of those gathering. UNAMA told the observers that most of the meeting of the political groups and politicians are close door meeting. Even UNAMA found difficulties to have information on the campaign. However, since the election is around the corner, UNAMA had expected that most of the candidate will scale up their campaign and focus in Kabul.”

ANFREL LTOs in Jalalabad reported that political meetings were held in the regional center more often than open campaigning. It was observed that this kind of campaigning is more preferred in Jalalabad rather than open campaigning. The observers reported:

“We observed two mass meetings in Jalalabad in support for presidential candidates Hamid Karzai and Yusof Qanouni. Various political parties held many meetings (organized by party cadres) and we observed two meetings that were both in support of

presidential candidate Hamid Karzai. Most of these campaigning activities were based on house visiting and village meetings.” No other candidate visited Jalalabad.



Poster called for 18 year-old eligible voter to go to vote.

ANFREL LTOs in Kunduz reported on the civic education program that gave an indication of voters’ decision making. They reported:

“JEMB have finished civic education programs in September 6, 2004. Some of the people who we interviewed said that they know how to vote and they will make the decision in voting for a candidate by themselves. However, many of them said that they will just follow their family’s decision (head of the family) to vote. They do not see why their

decision should vary from their family’s (head of family).”

3. Voter Education

Different groups have shown a lot of efforts in organizing voter education programs. It is important to note that ANFREL feels these programs have managed to educate the voters on democracy and elections to a certain point. It is imperative that the efforts to educate the voters be expanded, as there is a need for greater understanding of the





electoral process.

For example, ANFREL LTOs in Kandahar reported:

“Besides JEMB, voter education was conducted by the ‘*Ulama Council*’ in the mosques, by NDI, AIHRC, UNAMA and FEFA. NDI has trained political party members and candidates’ agents, including agents of Karzai, Qanuni, Ahmad Shah, Mohaqiq and Abd Satar Sirat. The political parties were National Unity Party, Afghan Milat Party, National Democratic Party, Itihar Dimiri and Maha Zimili. NDI has trained about 400 people including 70 female. Despite this,



we are not convinced that many people do know how to vote, or that the civic education was done intensively. Based on the interviews done in the villages, many people are still unclear where to vote

and how to vote. The Voter Education programs include how to vote, what is democracy and candidates’ profile.

Some trainers also conduct practical training. Some who have received the training will then go back to their villages and conduct some sessions there. Leaflets and pamphlets on how to vote have also been distributed. It is unclear how widespread this distribution is and how many people benefit from this as our interviews also indicates that many registered voters are still unclear about the procedures of voting. Some of the women we interviewed said that they were persuaded to register by not telling their family, and on polling day, to quietly slip out and vote by the trainers. Registration was set up at hospitals, clinics and schools. Many of them are unsure what the registration is for, thinking



they'll be able to get jobs, food, education or healthcare. The women's association in Kandahar is not playing an active role for this election. They are however involved in distributing transistor radios to villages. Distribution of transistor radios was also done by the civic education unit of JEMB. These transistors are used as a voter education tool."

ANFREL suggests that voter education programs for the coming Legislative Election must be done as soon as possible, because the coming election is more complex than the last Presidential Election. In addition to that, ANFREL also suggest that more effort is to be contributed in strengthening the understanding of the electoral processes and democratic values, especially among women.

ANFREL LTOs in Kabul reported:

"As the rural folks have less access to information, more civic education needs to be done in the rural area. We had a chat with one senior villager from the village in Paghman. When asked weather if he is a registered voter, he answered yes, however he did not seem to understand the function of the registration card. When asked whether he needs to bring this card to the polling station on Election Day, he said no and he offered the observers to take his card at the end of the conversation."

ANFREL LTOs in Mazar reported:

"The JEMB provided materials on voter education in two languages; Dari and Pashto. Posters are colorful and attractive. The JEMB officials had gone to villages in running voter education programs. JEMB officials also work with local NGOs in running the voter education program. We had the opportunity to meet a few of the local NGOs namely Development Humanitarian Services for Afghanistan and Coordination for Afghan Relief and the Balkh Women's Defense Council, which were all involved in the



jointly organized voter education program with JEMB. Despite all these efforts, many of the people we visited were not covered by the voter education program. We suggest that JEMB forged a better coordination with village leaders so that they can organize for more voters to attend these training programs.”

4. Election Administration

The fundamental duty of an Election Administration is to hold elections freely, neutrally and independently. Subject to the provisions of the constitution, the Election Commission will regulate its own procedures regarding the holding of the Presidential Elections and the preparation of the electoral rolls for elections of an election. For the Presidential Election in Afghanistan, ANFREL observed that the organizing of the election was done transparently and timely by the JEMB. The relevant authorities that were involved in supporting the JEMB in the election have also shown a great sense of cooperation, which is highly praised by ANFREL.



Short term observers in Mazar-e-sharif

However, ANFREL's mission for the Afghanistan's Presidential saw some areas for improvement from the administration of the election. ANFREL observed that the direct interaction between JEMB and election observers, political

parties and candidates was patchy. The JEMB issued a large number of orders, procedures, amendments and clarifications



to already issued orders and procedures during the run-up to the Election Day. It became apparent that election observers, political parties and candidates were unaware of a substantial amount of these JEMB decisions. In relations to this, poor understanding, mainly on the election procedures clouded these groups. For example, the final procedure of polling and counting were only obtained by the observers and other interested parties in the final week before the election which triggered doubt about whether there would be time to train the election workers on the changes.

ANFREL also observed that JEMB did not carry enough briefings to the media on a regular basis so that people were informed of all developments prior to the Election Day. A more regular meeting with the media can also promote that problems and complaints highlighted in the media are attended to promptly by the JEMB on a priority basis. ANFREL recommends a media center to be set up for the JEMB to have regular meetings with the media and public that can facilitate the transparency of the election administration to the people in the future (A media center was set up during the Presidential Election, however its functions was focused for the results of the election).

4.1. **Logistics**

In some areas, the preparations of the logistics for the election were undisclosed by JEMB due to the security concerns. For example, ANFREL observed that the information on the transportation of the election materials was only disclosed at the final hours of the



United Nations helicopters were also used to distributed materials for the elections



preparation of the Election Day. The location of the polling stations was also undisclosed to the voters in many areas, which has led the voters uninformed of the polling sites they should visit on Election Day. ANFREL observers in Panshir reported:

“Voters are unaware of where to vote because no information on the polling site was given by the JEMBS. When we (ANFREL observers) seek for this information later, we were told that the locations are undisclosed because they are concern of the security of the polling sites if they announce them to public.”

Despite the challenges faced by the JEMB in transporting the election materials to polling sites due to security concerns and the tough landscape of the country, ANFREL observed that all the polling sites where the observers visited on Election Day had enough election materials to operate. In relations to this, ANFREL highly admires and appreciate all the efforts taken by the relevant bodies involved in organizing the transportation and the setting up of the polling stations. However, ANFREL observed that some polling sites were constructed far from the accessibility of the voters. ANFREL observers in Bamyan reported:



Ballot boxes waiting to be carried to counting centers.

“We (ANFREL observers) are concern about many polling sites that are set up far from many villages. It is doubtful weather if these polling sites are accessible to voters within the voting timeframe. Some villagers have to travel 4 to 5 hours to reach a polling site. In many places, peoples’ form



of transportation is very primitive. Voters have to travel to these far polling sites by either foot or donkey.”

ANFREL observers in Kandahar reported:

“Most parties would like to know the finalized polling sites. There are to be 16 more centers to set up, bringing the total to 182, while the number of polling station remains at 1032. The process of finalizing the polling sites was very slow. The DEC’s were given the task to finalize the polling site and polling supervisors. Some polling sites were planned at an open air area which requires tents that affects logistics and security arrangements. UNAMA raised the concern to the governor of Kandahar, of the changing of polling sites at last minutes which would create a ripple effect on other departments’ planning and urged the governor to not consider more changes.

We (ANFREL observers) also met some polling officers who are unhappy as they have not received their wages for the past two months. UNOPS, who is responsible for their wages, said that they have applied for the budget, however has not yet received the money. UNOPS is hoping that they will be able to pay the wages for the voter registration staffs by the 26 September 2004. UNOPS also mentioned that they will make the payment for polling and counting staff available on 26 October 04. Many of the polling officers ANFREL met are unhappy with this arrangement, however they said they their choice is limited. We (ANFREL observers) are concerned that this might demotivate them from performing well for this election.”

4.2. Recruitment and Training of Polling Officers

There was a shortage of manpower in the actual operation of the election. ANFREL observed that the JEMB was confronted with serious problems in the recruitment of the polling officers. For example, for this election, the polling officers were mainly



recruited from the same officers who worked as registration officers. This has caused problems because the manpower needed for the polling stations were bigger than of the manpower used during the registration period. Due to this, the JEMB minimized the number of the polling officers from 8 to 6 people nearing the Election Day.

Apart from the recruitment, in general, ANFREL observed that the training of election officers for the 2004 Presidential Election was insufficient. ANFREL observers in Jalalabad quoted:

“Training programs for the Polling Officers were conducted under JEMB in some districts in Jalalabad. We observed low participation in these programs. When asked about the low attendance, the JEMB trainers were not sure on why the polling officers did not attend these programs. In Mohmand Dara District of Alhaj Salmi, The Commander of Police told ANFREL that the villagers reported the JEMB trainers were insensitive towards local culture. Besides that, they also didn’t agree to go to remote areas to train the officers. He also suggested that JEMB should send more matured trainers to this district for future training programs.”

ANFREL observers in Mazar reported:

“The JEMB have conducted training programs in Mazar. Training programs for the election supervisors of 9 districts out of 11 districts in Jawzjan Provinces have already been completed by the 27th September 2004. 60 teachers have been selected as election officers from Aqcha Girls High School. Mr. Abdul Aziz, a senior teacher from the school informed ANFREL that he has taken part in the 3 days training session. However, he thinks that the officers who attended the training were still unsure of some of the polling procedures. This is because some of these procedures were not finalized yet. For instance, he is not sure weather if the ballots will be transported from the polling center he is assigned to on the Election Day itself or the day after. He hopes that they will be



informed soon on these procedures.”

ANFREL observers in Panshir reported:

“The recruitment of the training officers is not completed by the 20 September 2004. JEMBS officer mentioned that it is difficult to get enough women to work as election officers here. They are thinking to recruit local village elders and *ulama* to work in the female polling stations. They think that the villagers will not object trusted local people (males) to work in female polling stations. The other concern is that the training sessions in this province have ended. We (ANFREL observers) are concerned about the officers who missed the training programs as they were not recruited yet.”

Adequate training of election officers must be conducted prior to future elections. Training of polling officers plays a very important role in enhancing the transparency of the electoral process. ANFREL acknowledges the efforts of all relevant parties to train the polling officers for the presidential elections. Nevertheless, a comprehensive program to enhance polling officers’ capacity to manage polling centers should be considered. ANFREL believes that the lessons learned in this area from this election can be used for the improvement of future elections. In organizing a rather more complicated election next year, ANFREL recommends more time and effort be expended to recruit and train the polling officers. Proper and timely recruitment and training should ensure that election officials possess a clear understanding of their duties at each step of the polling and counting processes. One specific indication of insufficient training observed by ANFREL was the failure on the part of polling staff at many stations to check voters’ fingers for indelible ink before allowing them to enter the polling station. To assure the transparency of the elections and prevent multiple voting, the significance of this ink-checking procedure must be explained clearly to all election officers and voters. ANFREL observed many cases in which polling officers were confused about the correct ink to use to mark the voters’



thumbs. This problem, compounded with the failure or misuse of some of the indelible ink markers, caused serious concern among some voters about the management of the 2004 Afghanistan Presidential Election.

5. Gender Issues

Throughout the last 10 years, the international community had strongly expressed their support to the Afghanistan women. Since the collapse of Taliban regime, there were even higher expectations on reducing the gender imbalances in the Afghan society. Ending discrimination in access to education and the right to be involved in politics were two of the most prominent calls from the International Community. According to the Bonn agreement and the constitution, certain affirmative action should be taken to encourage women's participation during the election.

ANFREL observed the efforts being carried out by the JEMB to encourage female participation in the election. This includes programs concerning voter registration and voter education. Rural female voters were also included to benefit these programs. ANFREL observed that the electoral procedures that had been set up by JEMB and the training programs had facilitated more women to participate in the electoral process and vote on the Election Day. ANFREL observers in Kandahar noted:

“We (ANFREL observers) observed two days of training for the election supervisors by JEMB. Our female observer also attended the training specifically held for women. These training sessions were very interactive. Materials distributed include graphics for easy understanding. Participants benefited a lot from the program. We hope that the participants will go back and train voters on the information of the electoral processes they got from this program.”

However, ANFREL observers observed the lack of gender consciousness in the content of the training programs. ANFREL



observers in Kabul noted:

“Programmatically, there were no content to seriously educate voters on the equality of female candidates to contest in this election. Perhaps for that reason, we (ANFREL observers) came



A boy may take his father registration card to come to polling station in Faisabad.

across female villagers; female teachers and female students who told us that they will not choose a female candidate in this election as they think that woman is not capable to run a country.”

“We also found out that no woman had registered to vote in some villages. Our interviews indicate that they are very eager to

follow the electoral process in choosing a new president however we found out that they were not allowed to register as a voter because they were not allowed to take picture for the registration card. In Kalakan village, the observers interviewed many female registered voters; most of them relied on the choice of their husband. However the observers came across two young women. Both of them were very vocal about the choice of candidate. One of them told us her choice of candidate and explained, “I will vote the candidate who can provide us with better health care and education. I am very frustrated by stopping go to school. There is no high school in this area.”

In relations to this, ANFREL calls for more efforts to be taken in improving the equal gender consciousness in Afghanistan. Perhaps, the parties involved in voter education training would consider in adding training elements in terms of gender equality in the Afghan society. ANFREL also suggest that local and international



NGOs heighten their participation in civil society education in line with creating awareness of gender equality in the society.

On the 4 October 2004 ANFREL observers in Kabul also participated in the meeting with the Women Affairs Ministry and UNIFEM to voice the missions concerns on the gender issues in Afghanistan, in relations to the Presidential Election 2004.

6. Out of country observation in Pakistan

The task of conducting the Afghanistan Out-of-Country-Voting Program for the Presidential Election was entrusted to the International Organization for Migration (IOM), which implemented the electoral processes on behalf of the Afghan Joint Electoral Management Body (JEMB) and the United Nations Assistance Mission in Afghanistan (UNAMA).

Two Memoranda of Understanding have been signed between the Government of Afghanistan, UNAMA and the governments of Iran and Pakistan, respectively. These MoU's have allowed the voting process to be done in Iran and Pakistan, for the millions of Afghanistan refugees who are living there. Furthermore, under these memoranda, the two host governments will provide widespread support for the OCRV program, including security of registration and polling centers as well as escorts for the transport of election materials.

ANFREL observed that IOM had established contacts with the Afghan community, which exhibited a large degree of interest for the electoral process in Pakistan. Camp elders and other community representatives were consulted on matters of participation, and in particular female participation, identification of registration centers and security aspects. However, ANFREL observers observed that there were areas where the IOM fail to cover for the promotion of the OCRV program. This is due to the time constraints as the OCRV program in Pakistan was



organized in less than 3 months before the Election Day. The IOM bulletin for the information on OCRV program (23 September 2004) quoted:

“Due to the accelerated time frame under which the out of country elections had to be organized, there are certain inherent operational limitations, the main one being that not all regions of Pakistan or Iran will have voting facilities. Eligible voters from any location in Pakistan will be able to register and vote at the established OCRV facilities. Everything possible will be done to ensure the best possible election for the maximum numbers of Afghans to participate in this historic event.”

ANFREL observers in Peshawar reported:

“Many people did not know about the registration process. We (ANFREL observers) observed that there were a number of programs done to promote the OCRV program, however for those who are living outside camps there were no such activities. We (ANFREL observers) also observed that many registration centers were far from the residential areas. This is particularly a disadvantage for those refugees who live outside the camp area. From the interviews, we observed that when the registration period was extended by a day, the information on this did not reach to most of the refugees.”

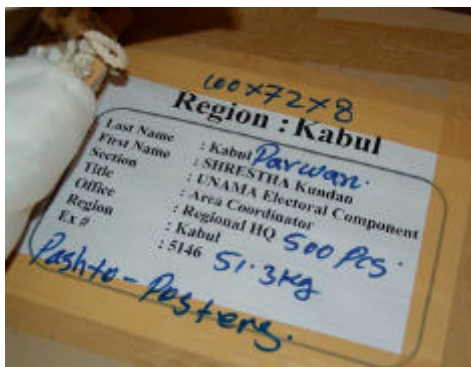
On the contrary, ANFREL observers in Quetta observed an interesting development that enhanced the number of registered voters.

“Apart from the IOM programs, we (ANFREL observers) observed political party agents who tried to promote the OCRV program. This is a very positive indication for the OCRV program. In some cases they even arranged transportation to bring the people to registration facilities.”



6.1. Preparation of the Election

In Pakistan, approximately 1657 registration stations were established in around 300 locations to cater for 600,000 to 800,000 eligible voters. The stations were set up in the refugee camps of the North West Frontier Province and Balochistan, as well in the urban areas of Peshawar and Quetta.



Voter Education posters distributed to the regions before the election.



Items provided to the polling officers together with the ballot boxes.

ANFREL observed separate stations were provided for men and women in polling centers in Peshawar and Quetta.

To coordinate the operations in Pakistan, IOM established its Headquarters in Islamabad and two Regional Offices in Peshawar and Quetta. Through these offices in Pakistan, eight field offices have been established in

Islamabad, Peshawar, Mardan, Kohat, Abbottabad, Quetta-urban, Quetta-camp and Dalbandin.



On October 9 2004, 1,661 Polling Stations in 625 Polling Centers were in operation, catering to 590,732 registered voters.

6.2. **Voter Education**

ANFREL observers observed that the IOM organized programs to inform the Afghans of their right to vote. There were also elements to encourage female participation in IOM voter education programs. The information and education campaign included printed material such as posters, flyers, electronic media programs such as radio and TV broadcasts, and community meetings.



Voter Education program in Kabul.

ANFREL observers in Peshawar reported:

“We (ANFREL observers) had a meeting with the representative of the Presidential Candidate, Hamid Karzai. Mr. Abdul Jabbar Naeemi (campaign manager of Hamid Karzai for Pakistan) said



that he was satisfied with the arrangements for the voter education and election. He also expressed satisfaction over the security measures undertaken by Pakistani authorities. However, he thinks that the voter education program is still insufficient, therefore he planned to have their campaigning activities to focus on motivating and mobilising the people for registration and procedures of voting before 4 October 2004. He said that he will only mobilize his machinery to campaign for the candidate after that.”

6.3. Voter Registration

In Pakistan, under the criteria determined by the JEMB and UNAMA, all Afghan citizens over the age of 18 at the time of the election, who arrived in Pakistan after 1979, are allowed to register to vote. The IOM have conducted voter registration in advance of the election, commencing on 1 October and ending on 3 October. The registration period was then prolonged for another day to allow more eligible voters to be registered. ANFREL observed that registrants were required to confirm their Afghan nationality and their eligibility to participate in the election and each registered voter received a registration receipt, to be presented on Election Day.

At the end of the registration period (including the additional day for registration), 737,976 Afghan refugees registered themselves to participate in the Presidential Election.

7. Out of country observation in Iran

Similar to the OCRV program in Pakistan, the task of conducting the Afghanistan Out-of-Country-Voting Program for the Presidential Election in Iran was entrusted to the International Organization for Migration (IOM), which implemented the electoral processes on behalf of the Afghan Joint Electoral Management Body (JEMB) and the United Nations Assistance Mission in Afghanistan (UNAMA).



In Iran, the OCRV program enables the eligible voters to vote in seven areas namely Tehran, Qom, Esfahan, Shiraz, Zahedan, and Mashhad.

In general, the security provided by the host country for the OCRV program was satisfactory. There were no serious reports of threat and intimidation neither to the OCRV program nor the election officials. However, ANFREL observers reported one incident of a clash between the Afghan polling officers and local Iranians during their field visit to Veramin. ANFREL observers reported:

“On the 8 October 2004, we (ANFREL observers) visited Veramin, which is located in the southern province of Tehran. Veramin has the highest number of eligible voters with 145,969 people above the age of eighteen. Five Polling Centers and 62 Polling Stations were visited in this trip. Out of the five Polling Centers we visited, found two very well organized and ready for the Election Day, two not so well organized and the polling officials are confused, and one had witnessed communal conflict with local Iranians. In Polling Center number 30, a group of Iranian had come late in the afternoon to disrupt the training session organized there. We arrived about hour after the conflict at the Polling Center and witnessed the chaos. We saw more than ten police officers at the site. The supervisor and the staffs we met there were concerned about the security and were even contemplating to close the Polling Stations on the Election Day. The officers were worried that voters might not come to vote after hearing about the incident.”

7.1. Preparation of the election

In Iran, no voter registration program was undertaken, as the Iranian Government had already organized a registration of Afghan refugees in 2003, which is called the *Amayesh* refugee registration. Through this registration program, the OCRV can identify the eligible voters for the Afghanistan Presidential Election. All



registrants of the Amayesh refugee registration program have a refugee card that has the relevant information to trace the eligibility of a person who intends to vote. In Iran, all Afghans over 18 at the time of the election and who are legally living in Iran will be allowed to vote.

The IOM recruited 55 Senior Community Mobilizers (SCMs), 500 Community Mobilizers, and 8000 Polling Staff who are all of Afghan nationals. For all three above mentioned staffing, the selection was done underlining five criteria. They are:

- The candidates must have legal document;
- The selection is based and must transcend gender balance;
- The selection is based and must transcend ethnic balance;
- The candidates are required to possess assorted professional background;
- The selection is based and must transcend regional balance.

In the seven provinces, a total of 125 Polling Centers and a total number of 1093 Polling Stations were established. In each of the seven provinces, an IOM field office was set up. 5 international staff members and 7 national assistants were mobilized to organize every field office. Since 1/3 of the voter population and polling





stations were concentrated in Tehran province, 9 international staff and 16 national assistants were deployed in that particular field office.

7.2. **Voter Education**

ANFREL observers observed a satisfactory program done to educate the voters on issues relating to the OCRV program. Under the given circumstances, ANFREL observers noted that the voter education program organized in Iran was adequate and managed to achieve its primary objective in promoting enough information for the voter to be informed about the OCRV program. ANFREL observers in Qom noted:

“We (ANFREL observers) visited the IOM field office. We met the officer in charge and the Afghan nationals who were recruited as assistants. We had a brief meeting with them and after that they accompanied us to visit two training centers. At the first training center there were about 200 trainees from different ethnic groups with about 60% women and 40% men. 70% of the attendees were from ethnic Hazara, 10% Pashtun, 10% Tajik and 10% of other mixed ethnic races.

At the second training centre we observed seven group circles, with each circle of four to six young women sitting on the floor, going through voter information materials. In two other adjacent rooms there were



Afghan female voters are queuing at the polling station.



groups of young and older men sitting on the floor having group discussions and going through the voter information materials as well. There were more than 100 trainees in the center. They explained to us that they were going to distribute the materials on voter education after the program.”

Campaigning by political parties was on the other hand very poor. From the interviews that were made with eligible voters, ANFREL observers found out that the voters were lacking information on candidates to enable them to compare between candidates’ political agendas. ANFREL observers noted from their observation in Pakdasht, Qom and Veramin:

“Generally, voters rely on information about candidates from the radio stations (which broadcasted news on Afghanistan Election) and the international news. Campaigning from the candidates was almost inexistence. They said that there was not much choice for them to choose from as their knowledge for the candidates is very poor.”



Braving the weather, Afghan women went out to vote.

8. Election Day

On the 9 October 2004, 4900 polling centres were opened across the country to enable 9,716,413 registered voters to exercise their rights for the first time in Afghanistan. In organizing these polling stations, approximately 120,000 Polling Officers were employed. In each Polling Centers, there was an average of 4 polling stations, normally at an equal number of two polling stations for each



gender. In total, there were approximately 22,000 Polling Stations in operations on the Election Day.

To observe the Election Day, ANFREL deployed 32 observers in 9 provinces of Afghanistan, including six regional centers, and visited 136 polling centers. 16 from the 32 ANFREL observers were Long Term Observers who were deployed to 7 regional centers one month prior to the Election Day, and the other 16 were Short Term Observers who were deployed 10 days prior to the election¹³.

ANFREL also deployed 4 observers in Pakistan and 6 in Iran to observe out-of-country voting. All ANFREL observers for the out-of-country voting were Short Term Observers.

8.1. **Afghanistan**

In general, ANFREL observed that large numbers of Afghan people were participating in the Election Day in a peaceful manner. The JEMB later released that 8,128,940 registered voters cast their ballots on 9 October 2004 – a total of 70% of the registered voters¹⁴. This represents an important step forward on the road of self-determination. The high turnout of voters in polling stations observed by ANFREL indicates the enthusiasm of the Afghan people to play a role in choosing the leaders of their country. ANFREL salutes the Afghan people for braving threats to personal security, and for expressing their rejection of violence by coming out to vote. ANFREL notes the valuable contribution made by Afghan and international security forces in ensuring that the

¹³ The complete list of ANFREL's deployment plan is attached in the Appendix to the report.

¹⁴ The complete list of voter turn out list according to the province is attached in the Appendix to the report.



election could be conducted in an organized and peaceful manner.

The opening of the Polling Centers was done in a very orderly and transparent manner. Polling Centers were opened on time, while voters were organized in lines queuing for respective turns to vote. ANFREL observers in Kandahar reported:

“Despite the security concerns in Kandahar, we observed many people in the regional center queuing in front of Polling Centers as early as 7:00 a.m. They seemed to be very organized and enthusiastic to participate in the election. No reports of violence were reported this morning (9 October 2004).”

ANFREL observers in Mazar reported:

“The opening of the Polling Center was conducted in an orderly and transparent manner. Ballot papers were counted and ballot boxes were showed to the public to ensure that it is empty before sealing it. There were also local monitoring group present at the opening of the Polling Center.”

On the Election Day, ANFREL did not observe visible signs of intimidation or coercion, though ANFREL observers noted that

there were high presences of armed persons within polling centers.



ANFREL observers in Jalalabad reported:

“There was a curfew imposed for private vehicles to move around in Jalalabad on Election Day. There were no cars or

Tight security to enter a polling station.



private vehicles moving around the regional center. We (ANFREL observers) observed many armed police men organizing road blocks and walking around the streets and in the Polling Centers. Despite this tight security measures, we observed many people walking to Polling Centers early in the morning. They seem to be undisturbed by the tight security measures.”

Bad weather on the eve of the Election Day has caused serious concerns on the voter turn out in some areas.

ANFREL observers in Panshir reported:

“Election in Panshir in general was conducive and peaceful. Although in a heavy snow, people were coming in to cast their vote. According to Mr. Naween the guesthouse owner (former WFP staff), he has never experienced such a heavy snow in early October in the almost 30 years he has been living in Panshir. However, we (ANFREL observers) observed that even in horrible weather people, especially women still come to the polling area to cast their votes. The supervisor in Qabzan polling center said that some of the voters had to walk for two hours despite the weather condition just to reach a polling center. A young mother with her 2 month-old baby wrapped up in a bundle of blankets was trapped in a polling center because of the snow. She had to wait in the dark, cold room of the Polling Station after she cast her ballot for the snow to end. The polling staff tried to keep the baby warm by having them wait in the warmest area in the room behind the polling desk. At the Sangana Mosque, a group of women had come from far away, a one and a half hour walk in the heavy snow and blizzard wearing only a very thin layer of shirt in their *burqas* and in plastic shoes under a plastic umbrella. They were shivering with pink cheeks and reddish hands as they waited patiently in line to enter the mosque so they could vote. This is a very positive sign for Afghanistan’s Democracy.”

ANFREL observers also noted that the education of voters and



training of polling station staff should be improved to avoid confusion in the polling process by both voters and polling staff. The poor training of the Polling Officers have contributed in the confusion on how to correctly use the indelible ink marker, in addition to cases where there were reports that the indelible ink were of poor quality.

ANFREL observers in Kabul reported:

“We (ANFREL observers) found out in the first Polling Center we visited in Qarabaq, the Polling Officers in this Polling Station used the permanent marker as applicator of indelible ink, while in the second Polling Station, the ink had simply dried up. Later on, upon realizing that the ‘indelible marker’ had dried up, we noticed that the Polling Officers were panicking and started to use ordinary ink to refill the indelible ink marker. After failing in the attempt to refill the marker with ordinary ink, the Polling Officers improvised by attempting to refill the applicator using cotton bud or a piece of wood or cloth. The whole process was very messy.”

ANFREL observers in Kandahar reported:

“We (ANFREL observers) observed that the training of Election Officers were very poor. This has resulted in bad management of the polling procedures. We observed that ballot papers were issued without rechecking the finger mark and the punch on voter registration cards. Some centers started the polling process 10 or 15 minutes later to the due time due to arrangement difficulties and overcrowd by the voters.”

ANFREL observers in Panshir reported:

“At the beginning process we found that all Polling Officers in the Polling Centres (Jangalak, Lycee Rockha, 40’s Bed Hospital, Sange Khan Mosque, Clinic Malima and Maktab Musawata Asgaran) we visited were confused of the right ink to



apply to voters thumb; they were not able to differentiate between indelible ink, marker ink and stamp ink. Some even used the correction fluid to mark voters' thumb cuticle. It is important to also note here that although the inking process was at mess, we did not observe any attempts for multiple voting."

ANFREL observers in Kunduz reported:

"We (ANFREL observers) observed that the understanding for the procedure to ink the voters' thumb cuticle were very poor. After the major confusion (of inking procedure) in the morning, the applicator was not used while voters were asked to plunge their thumb directly into the ink pot that arrived as late as 2 pm or the ink sponge was extracted from the pot and placed on the table for voters to appose their thumb against.



This picture shows four voters showing their fingers which were already marked by the indelible ink. Observe the thumbs (far left) where the trace of the indelible ink was totally unseen.

Although we observed a disorganized polling procedure (inking) because of poor training (which has caused doubt among the voters on the credibility of the electoral process), we also saw a positive side to the phenomena. We observed that the polling officers had shown their ingenuity in trying to handle the situation. There were no signs of attempts to manipulate the process although the inking procedure was almost at no use. We regard this as a sign of neutrality and impartiality of the polling officers."

Besides the inking problem ANFREL observers also observed other irregularities on Election Day. ANFREL observers in



Bamyan reported:



Women in Bamyan are waiting inside polling station (top) because of snowing while men are waiting outside at a separated station (below).

“In Yakawlang, we (ANFREL observers) observed most of the female Polling Officers were very young. According to the supervisor (who is also the principal in a girls school) of one Polling Center, most the polling staff are her students. We found that it is very difficult to tell the age of these Polling Officers. It was the same with some voters we met, many looked younger than the minimum voting age. In one polling station we met a young looking woman who had just voted, and she said she was actually 14 years old, but she was married and showed us her

baby. Although no evidence were gathered for under aged registered voters, it is difficult to verify the voters’ age because they have no supporting documents with them. We are concerned of the possibilities of under aged voting in this area.”

We also observed in Shibar, there was young woman voter that looked around 13 or 15, but she was able to vote and when we looked at her voter card, her registered age was 18. We are concerned that this could be an instance of local officials using local criteria to decide who should be eligible to vote, or it could be an attempt to boost the vote of a particular candidate by



registering underage supporters.”

ANFREL observers in Jalalabad reported:

“Due to lack of female staff, large number of female voters had to wait for a long time before they could vote. They were gathered around the compound of the Polling Center, most of them sitting. In some places, female polling stations were reduced due to lack of elections officials. We (ANFREL observers) also observed that most of the female voters colored their fingers totally by henna this has caused serious problems in identifying the ink marked on their cuticle.



An underage polling officer at the male polling station in Bamyān.

In Polling Station number 10/ 01 – 133 in Majburabad Primary School, there were 2 female Polling Stations set up in a small space. We observed that the number of Polling Officers here was insufficient. Voters had to wait a long time outside the Polling Station and some voters left the station without voting. We also saw some serious case of infringement of voter’s secrecy in this Polling Station. We observed that the Polling Officers were marking the ballots for the voters as they don’t know how to it themselves.”

Apart from these serious reports, ANFREL observers did not observe any security threats that have seriously disrupted the electoral process on Election Day. Findings also suggest that there was no substantial evidence found on multiple voting or the ownership of more than one voters’ card. ANFREL therefore



maintains that the outcome of the election should be respected, though a variety of problems arose with the supply and application of indelible ink and poor training of the election officials.

ANFREL observers in Kunduz reported:

“Women initially found it hard to enter the Spinzar Factory Voting Center because they’re no female security officials making body searches and inspection. Women were only able to enter when a District Election Coordinator told security officials at the gate to allow women to enter even without searches and inspections.”

ANFREL observers in Mazar reported:

“In Sheberghan Polling Center of Jawzjan province, two activists of a candidate entered the Polling Center in order to influence the people in the favor of the candidate supported by their party, but they were ousted from the Polling Center by the supervisor. An agent of a candidate in Dehdadi district complaint to ANFREL observers that the District Electoral Coordinator and two supervisors of Polling Centers were influencing people to vote for a candidate (The supported candidate is Abdur Rashid Dostom).”

8.2. Pakistan



In Pakistan, ANFREL observers reported that the Afghan community was very enthusiastic to vote and many turned up to the Polling Centers to vote. ANFREL observers reported



that long queues were seen at many Polling Centers since early morning. ANFREL observers also noted that large number of women were seen participating in the process.

Despite the security concerns in some areas, no incidents that disrupted the electoral process were reported by ANFREL observers on Election Day.

Both of the ANFREL observation mission teams in Pakistan (Peshawar and Quetta) reported that the preparation for the Election Day was good. Proper Polling Centers were set up and no serious cases of poor logistics preparation that could disrupt the electoral process were observed. However, there were some observations on the lack of training of the Polling Officers.

ANFREL observers in Peshawar reported:

“The Polling Center we (ANFREL observers) visited at Dalazak Road started about 10-15 minute late. Some Polling Stations (in this Polling Center) started on time while others remained closed as the Polling Officers were still busy in arranging the Polling Station after the opening time.

In Jalozai, the Polling Center we visited closed at 5:30 due to Polling Officers' ignorance about the closing time. At 4 P.M, there was no voters queuing but the





Polling Officers thought the closing time is at 6 P.M.”

ANFREL observers in Quetta reported:

“The Polling Centers we (ANFREL observers) observed had all required staff and materials to operate on Election Day. However, some of the Polling Officers were not seen doing their assigned task seriously but walking around chatting with voters.

Secrecy and privacy of the ballot was not respected in many places. Either the fellow voters or the polling staff was allowed to stand near the stand meant for marking the votes for helping their countrymen. In one of the Polling Station we (ANFREL observers) visited, a Pakistani policeman was seen helping voters in marking the ballot paper right near the stand.”

Another irregularity observed by ANFREL observers on Election Day is problems with the voter lists. In some cases, the voter lists were either missing from the Polling Station kits or were incomplete. ANFREL observers in Peshawar reported:

“The Polling Centre in Dalazak Road did not have a complete voter’s list. We (ANFREL observers) spoke to one of the voters who had to wait for more than 45 minutes to vote because one of page containing his name was missing from the voters list provided to the Polling Center supervisor.”

8.3. Iran

ANFREL’s presence as an International Observation Mission was very much



Observers and Iranian interpreter interviewed Afghan voters in Iran .



welcomed by both the Polling Officers and the voters. Many of the Afghans whom the observers met in Tehran city and outskirt areas were personally very welcoming to the mission members and they convey their appreciation of election observers coming from different Asian countries to support democracy in Afghanistan.

Overall, ANFREL observers reported that the Election Day in Iran was organized appropriately in enabling the Afghan refugees to practice their rights to vote. ANFREL observers also noted that they witnessed gender equity among the people who participated in the election. Women played a significant role in working as Polling Officers and they were able to exercising their right to vote. A young Polling Officer in the Polling Center in Pishva Engelab in Veramin noted that women are same as men and have equal right to vote. She also said that the women in Veramin had participated to vote for the future of Afghanistan.



ANFREL observers noted some problems from their observation in Iran. It was reported that the preparations of the Polling Centers were chaotic as the time frame allocated to prepare the centers was very thin. This caused some confusion in the setting up of voters' screen in many of the Polling Centers the observers visited.

ANFREL observers also noted that majority of the Polling Centers was far away from the Afghan communities and the number of Polling Centers was limited. Voters had to travel up to 40 kilometers to



vote. ANFREL observers also noted that a majority of the Polling Centers in Tehran were located in obscure locations such as warehouses, which are not well known to voters. Since the election was held on a working day in Iran, the Polling Centers could not be set up in more accessible areas such as schools.

ANFREL observers in Tehran reported:

“Since Pishva Senardak Polling Center was located in the recreation area, it turned out to be the most popular voting spot on Election Day. We (ANFREL observers) interviewed the voters and they said that the other Polling Centers are in areas where they are not familiar with. Some also said that they got lost and later trying to find other Polling Centers before getting to this one.”

ANFREL observers also noted that because the election was held on a Saturday (Saturday is the first working day in Iran), there were many concerns citing that voter turn out will be minimized due to economic reasons.

ANFREL observers in Tehran reported:

“In Polling Center number 30 in Ab Barik, the voter turn out was very disappointing. We (ANFREL observers) spent over an hour in the Polling Center and only witnessed around 50 to 70 voters.” ANFREL observers in Veramin however reported a high voter turn out. They quoted: “We observed a Polling Center which is located in a well known recreation area



Iranian poll officers show empty ballot boxes before opening polling station.



in Veramin province. The voter turn out was overwhelming. When we arrived there at 10 am we saw two separate crowded lines for men & women both extended to several hundred meters long. “

In general, the Election Day in the ANFREL’s observation areas in Iran was peaceful and no serious reports of intimidation were reported to disrupt the electoral process. Amid technical difficulties, ANFREL observers noted that the Afghan refugees in Iran were able to practice their rights to vote with a considerable level of difficulties.



Iranian officers are waiting for all ballot boxes to come to Tehran.

9. Counting

PAKISTAN AND IRAN VOTE COUNTING CENTER IN KABUL

In general, the execution of the counting process in the Pakistan and Iran Vote Counting Center in Kabul was smooth. Observers and candidates / party agents were able to access the Center to observe the entire counting process. Procedures for submitting objections and complaints about the counting process were also available. However, ANFREL observers observed that some candidates/party agents were unclear about the procedures of submit objections and complaints. This is due to the low procedural training for candidates/party agents from the JEMB and the officers in the counting centers.

On 19 October 2004, some party agents filed a complaint to the supervisor of the counting center. They accused some officers who were not being transparent while performing their duties. They insisted that the mixing and sorting process were not done for a few ballot boxes. ANFREL observed that their complaints were



A busy day in the counting center.

taken seriously by the Center's Supervisor. There was however no recounting done as the matter was solved after a few discussions between the supervisor and the party agents.

In general, all four procedures of counting were implemented according to the procedure in this counting center. No serious irregularities were observed during the counting process that could have an effect on the results of the elections.



KABUL COUNTING CENTER

The Counting Process in the Kabul Counting Center went well with a few irregularities. One of the main problems observed was that most of the boxes, which arrived to the Counting Center, were in bad shape. This happened during the process of transporting these ballot boxes to the center. Some of these boxes were put in the quarantine area, however for most of them, the counting process were carried on.

On 20 October 2004, ANFREL observers observed 3 ballot boxes without serial numbers, 2 ballot boxes with the same serial number and 2 ballot boxes had its seal broken. All these ballot boxes were quarantined.

ANFREL observers also observed a complaint made about 75 ballot papers that had questionable looking stamps. These ballots were not counted. All these ballots were votes for Presidential Candidate Hamid Karzai.



Ballots arrived at a counting center in Kabul being prepared to be counted

ANFREL observers reported that all other irregularities observed in the counting center were minor irregularities and were attended to according to the procedures. ANFREL observers were satisfied with the counting process however noted that there must be steps taken to improve the quality of the process. ANFREL observers observed that ballots were handled roughly by the counting officers and materials, which can spoil the ballot papers, were seen lying around near the ballot papers. For instance, markers were found



everywhere near the ballot papers. This can facilitate any attempts to spoil the ballot papers.

The transportation of ballot boxes must also be handled carefully. Damaged ballot boxes were often seen in the counting centers. Some ballot boxes were in a very bad condition, which resulted in damaging some of the ballots in it. It is essential to treat the ballot papers carefully as ballot papers represent the peoples' political right to choose their leader.

Recommendations

From its nine-week observation of Afghanistan's 2004 presidential elections, ANFREL would like to extend its recommendations to the JEMB and all stakeholders of the Afghanistan Presidential Election. These recommendations are based from the mission's findings from its 42 observers who were deployed to 6 regional centers in Afghanistan, two provinces in Pakistan and two provinces in Iran.



Taking photos for voter cards on the registration day.

1. Voter Registration

The current system of voter registration raised questions of multiple registrations, which caused serious doubt among the Afghan electorate. These doubts

about the system caused concern among voters when news spread that the indelible ink was either not properly applied or dysfunctional. A prudent review of both the registration system and supply of the indelible ink must be conducted. This is vital in preventing registration of ineligible people and multiple voting, and will make all the funds expended on registration more effective. Additionally, an independent review of the system would enhance voters' confidence in the electoral process. ANFREL recommends a voter census program to be jointly carried out by central government agencies and local community administration, as well as door-to-door data gathering to enhance voter registration accuracy. This can also minimize the allegations of under-age voter registration.

2. Training of Election Officers

The training of election officers for the 2004 Presidential Election was insufficient. Adequate training of election officers must be conducted prior to future elections. Training of polling officers plays a very important role in enhancing the transparency of the electoral process. ANFREL acknowledges the efforts of all



Training program for Polling Officers.

relevant parties to train the polling officers for the presidential elections. Nevertheless, a comprehensive program to enhance polling officers' capacity to manage polling centers should be considered. ANFREL believes



that the lessons learned in this area from this election can be used for the improvement of future elections. In organizing a rather more complicated election next year, ANFREL recommends more time and effort be expended to recruit and train the polling officers. Proper and timely recruitment and training should ensure that election officials possess a clear understanding of their duties at each step of the polling and counting processes. One specific indication of insufficient training observed by ANFREL was the failure on the part of polling staff at many stations to check voters' fingers for indelible ink before allowing them to enter the polling station. To assure the transparency of the elections and prevent multiple voting, the significance of this ink-checking procedure must be explained clearly to all election officers and voters. ANFREL observed many cases in which polling officers were confused about the correct ink to use to mark the voters' thumbs. This problem, compounded with the failure or misuse of some of the indelible ink markers, caused serious concern among some voters about the management of the 2004 Afghanistan Presidential Election.

3. Open Campaigning/Rallies

Political parties were largely inactive in carrying out campaigning for the presidential election. Voters of the 2004 presidential election were generally unaware of the range or views of political parties or candidates, the understanding of which is the basis for decision making on polling day. ANFREL recommends the JEMB take the lead in providing additional support for the education of political parties and candidates.

4. Voter Education

ANFREL also notes a great need for improvement in voter education. In order to enhance voters' knowledge of genuine democracy and help them make informed decisions, ANFREL calls for all stakeholders of the Afghanistan elections,



including JEMB and UNAMA, civil society of Afghanistan and the international community, to enhance programs that assist voters in understanding that democratization cannot be complete without their ability to make informed decisions on polling day.

5. Campaigning Funds

The campaigning funds for the political parties must be transparent to ensure that the electoral system is free from negative elements within the society. It is imperative that all stakeholders in the Afghan political system strive to ensure that the electoral system in Afghanistan will not allow any room to institutionalize illegal conductors within the society. ANFREL also suggest that the JEMB considers limiting campaigning funds for political parties in the coming Legislative Elections to allow smaller parties to compete at the same level of campaigning. In many developing democracies, election campaigning has become very expensive and this phenomenon will only allow big parties to successfully compete in elections. From ANFREL's point of view, it is important to ensure the rights of citizens to be organized and compete fairly in elections.

6. Election Supervisory Body

ANFREL suggest that an independent election supervisory body to be formed for the next election. This body must be totally independent from the structure of JEMB but work closely with the JEMB. The body will basically function to attend to complaints made by the political parties and people regarding the electoral process. Furthermore, it can promote an independent view of the functions and the performance of the JEMB. The existence of such an independent electoral body will give a higher sense of credibility from the people to the electoral process.



Appendices to the report

Constitution

In the name of God, the Merciful, the Compassionate

Preamble

We the people of Afghanistan:

1. With firm faith in God Almighty and relying on His lawful mercy, and Believing in the Sacred religion of Islam,
2. Realizing the injustice and shortcoming of the past, and the numerous troubles imposed on our country,
3. While acknowledging the sacrifices and the historic struggles, rightful Jihad and just resistance of all people of Afghanistan, and respecting the high position of the martyrs for the freedom of Afghanistan,
4. Understanding the fact that Afghanistan is a single and united country and belongs to all ethnicity residing in this country,
5. Observing the United Nations Charter and respecting the Universal Declaration of Human Rights,
6. For consolidating national unity, safeguarding independence, national sovereignty, and territorial integrity of the country,
7. For establishing a government based on people's will and democracy,
8. For creation of a civil society free of oppression, atrocity, discrimination, and violence and based on the rule of law, social justice, protection of human rights, and dignity, and ensuring the fundamental rights and freedoms of the people,
9. For strengthening of political, social, economic, and defensive institutions of the country,
10. For ensuring a prosperous life, and sound environment for all those residing in this land,
11. And finally for regaining

Afghanistan's deserving place



in the international community,
Have adopted this constitution in compliance with historical,
cultural, and social requirements of the era, through our elected
representatives in the Grand Council [*Loya Jirga*] dated 14 Jaddi
1382 in the city of Kabul.

Chapter I The State

Article 1 [Islamic Republic]

Afghanistan is an Islamic Republic, independent, unitary and
indivisible state.

Article 2 [Religions]

- (1) The religion of the state of the Islamic Republic of Afghanistan
is the sacred religion of Islam.
- (2) Followers of other religions are free to exercise their faith and
perform their religious rites within the limits of the provisions of
law.

Article 3 [Law and Religion]

In Afghanistan, no law can be contrary to the beliefs and provisions
of the sacred religion of Islam.

Article 4 [Sovereignty, Ethnic Groups, Citizenship]

- (1) National sovereignty in Afghanistan belongs to the nation that
exercises it directly or through its representatives.
- (2) The nation of Afghanistan consists of all individuals who are
the citizen of Afghanistan.
- (3) The nation of Afghanistan is comprised of the following ethnic
groups: Pashtun, Tajik, Hazara, Uzbek, Turkman, Baluch, Pashai,
Nuristani, Aymaq, Arab, Qirghiz, Qizilbash, Gujur, Brahui and
others.
- (4) The word Afghan applies to every citizen of Afghanistan.



(5) No member of the nation can be deprived of his citizenship of Afghanistan.

(6) Affairs related to the citizenship and asylum are regulated by law.

Article 5 [Territorial Integrity]

Implementation of the provisions of this constitution and other laws, defending independence, national sovereignty, territorial integrity, and ensuring the security and defense capability of the country, are the basic duties of the state.

Article 6 [Purposes]

The state is obliged to create a prosperous and progressive society based on social justice, protection of human dignity, protection of human rights, realization of democracy, and to ensure national unity and equality among all ethnic groups and tribes and to provide for balanced development in all areas of the country.

Article 7 [International Law]

(1) The state shall abide by the UN charter, international treaties, international conventions that Afghanistan has signed, and the Universal Declaration of Human Rights.

(2) The state prevents all types of terrorist activities, production and consumption of intoxicants (muskirat), production and smuggling of narcotics.

Article 8 [State Policy]

The state regulates the policy of the country on the basis of preserving the independence, national interests, territorial integrity, non-aggression, good neighborliness, mutual respect, and equal rights.

Article 9 [Natural Resources]

(1) Mines, underground resources are properties of the state.

(2) Protection, use, management, and mode of



utilization of the public properties shall be regulated by law.

Article 10 [Private Investments]

The State encourages and protects private capital investments and enterprises based on the market economy and guarantees their protection in accordance with the provisions of law.

Article 11 [Trade]

Affairs related to the domestic and external trade shall be regulated by law in accordance with the needs of the national economy and public interests.

Article 12 [Bank]

(1) Da Afghanistan Bank is the central and independent bank of the state.

(2) Issuance of currency, and formulation and implementation of monetary policy of the country are the mandates of the central bank in accordance with law.

(3) The central bank shall consult with the economic committee of the House of Representatives [*Wolesi Jirga*] in matters related to the printing of money.

(4) Structure and operation of this bank shall be regulated by law.

Article 13 [Economy]

The state shall formulate and implement effective programs for development of industries, growth of production, increasing of public living standards, and support to craftsmanship.

Article 14 [Farming, Housing]

(1) The state shall design and implement within its financial resources effective programs for development of agriculture and animal husbandry, improving the economic, social and living conditions of farmers, herders, settlement and living conditions of nomads.

(2) The state adopts necessary measures for housing and distribution of public estates to deserving citizens in



accordance within its financial resources and the law.

Article 15 [Environment]

The state is obliged to adopt necessary measures for safeguarding forests and the environment.

Article 16 [Languages]

(1) From among the languages of Pashtu, Dari, Uzbeki, Turkmani, Baluchi, Pashai, Nuristani, Pamiri (alsana), Arab and other languages spoken in the country, Pashtu and Dari are the official languages of the state.

(2) The Turkic languages (Uzbaki and Turkmen), Baluchi, Pashai, Nuristani and Pamiri (alsana) are -- in addition to Pashto and Dari - - the third official language in areas where the majority speaks them. The practical modalities for implementation of this provision shall be specified by law.

(3) The state adopts and implements effective plans for strengthening, and developing all languages of Afghanistan.

(4) Publications and radio and television broadcasting are allowed in all languages spoken in the country.

Article 17 [Education]

The state shall adopt necessary measures for promotion of education in all levels, development of religious education, organizing and improving the conditions of mosques, madrasas and religious centers.

Article 18 [Calendar]

(1) The calendar of the country shall be based on the flight of the Prophet (PBUH).

(2) The basis of work for state offices is the solar calendar.

(3) Fridays and the 28 Asad and the 8 Sawr are public holidays. Other holidays shall be regulated by law.

Article 19 [Flag, Insignia, Emblem]

(1) The Afghan flag is made up of three equal parts, with black,



red and green colors juxtaposed from left to right perpendicularly.

(2) The width of every colored piece is equal to half of its length.

The national insignia is located in the center of the flag.

(3) The national insignia of the state of Afghanistan is composed of Mehrab and pulpit in white color.

(4) Two flags are located on its two sides. In the upper-middle part of the insignia the sacred phrase of "There is no God but Allah and Mohammad is his prophet, and Allah is Great" is placed, along with a rising sun. The word "Afghanistan" and year 1298 (solar calendar) is located in the lower part of the insignia. The insignia is encircled with two branches of wheat.

(5) The law shall regulate the use of national flag and emblem.

Article 20 [Anthem]

The National Anthem of Afghanistan shall be in Pashtu and mention "Allahu Akbar" and the names of the ethnic groups of Afghanistan.

Article 21 [Capital]

The capital of Afghanistan is the city of Kabul.

Chapter II Fundamental Rights and Duties of Citizens

Article 22 [Equality]

(1) Any kind of discrimination and privilege between the citizens of Afghanistan are prohibited.

(2) The citizens of Afghanistan -- whether man or woman -- have equal rights and duties before the law.

Article 23 [Life]

Life is a gift of God and a natural right of human beings. No one shall be deprived of this right except by the provision of law.



Article 24 [Liberty, Human Dignity]

- (1) Liberty is the natural right of human beings. This right has no limits unless affecting the rights of others or public interests, which are regulated by law.
- (2) Liberty and dignity of human beings are inviolable.
- (3) The state has the duty to respect and protect the liberty and dignity of human beings.

Article 25 [Presumption of Innocence]

- (1) Innocence is the original state.
- (2) An accused is considered innocent until convicted by a final decision of an authorized court.

Article 26 [Criminal Responsibility]

- (1) Crime is a personal action.
- (2) The prosecution, arrest, and detention of an accused and the execution of penalty can not affect another person.

Article 27 [Punishment]

- (1) No act is considered a crime, unless determined by a law adopted prior to the date the offense is committed.
- (2) No person can be pursued, arrested or detained but in accordance with provisions of law.
- (3) No person can be punished but in accordance with the decision of an authorized court and in conformity with the law adopted before the date of offense.

Article 28 [Extradition]

- (1) No citizen of Afghanistan accused of a crime can be extradited to a foreign state unless according mutual agreement and international conventions that Afghanistan has joined.
- (2) No Afghan would be sentenced to deprivation of citizenship or to exile inside the country or abroad.

Article 29 [Torture]

- (1) Torture of human beings is prohibited.



(2) No person, even with the intention of discovering the truth, can resort to torture or order the torture of another person who may be under prosecution, arrest, or imprisoned, or convicted to punishment.

(3) Punishment contrary to human integrity is prohibited.

Article 30 [Compulsion, Confession]

(1) Any statement, testimony, or confession obtained from an accused or of another person by means of compulsion, are invalid.

(2) Confession to a crime is: a voluntary confession before an authorized court by an accused in a sound state of mind.

Article 31 [Defence]

(1) Every person upon arrest can seek an advocate to defend his rights or to defend his case for which he is accused under the law.

(2) The accused upon arrest has the right to be informed of the attributed accusation and to be summoned to the court within the limits determined by law.

(3) In criminal cases, the state shall appoint an advocate for a destitute.

(4) The confidentiality of oral, written or telephonic communications between an advocate and his accused client are immune from invasion.

(5) The duties and authorities of advocates shall be regulated by law.

Article 32 [Debt Relief]

(1) Being in debt does not limit a person's freedom or deprive him of his liberties.

(2) The mode and means of recovering a debt shall be regulated by law.

Article 33 [Electoral Rights]

(1) The citizens of Afghanistan have the right to elect and be elected.

(2) Law regulates the conditions and means to



exercise this right.

Article 34 [Expression, Press, Media]

- (1) Freedom of expression is inviolable.
- (2) Every Afghan has the right to express his thought through speech, writing, or illustration or other means, by observing the provisions stated in this Constitution.
- (3) Every Afghan has the right to print or publish topics without prior submission to the state authorities in accordance with the law.
- (4) Directives related to printing house, radio, television, press, and other mass media, will be regulated by the law.

Article 35 [Organizations, Parties]

- (1) The citizens of Afghanistan have the right to form social organizations for the purpose of securing material or spiritual aims in accordance with the provisions of the law.
- (2) The citizens of Afghanistan have the right to form political parties in accordance with the provisions of the law, provided that:
 - The program and charter of the party are not contrary to the principles of sacred religion of Islam, and the provisions and values of this Constitution.
 - The organizational structure, and financial sources of the party are made public.
 - The party does not have military or paramilitary aims and structures.
 - The party should have no affiliation to a foreign political party or sources.
- (3) Formation and functioning of a party based on ethnicity, language, Islamic school of thought (mazhab-i fiqhi) and region is not permissible.
- (4) A party set up in accordance with provisions of the law shall not be dissolved without lawful reasons and the decision of an authorized court.



Article 36 [Demonstration]

The citizens of Afghanistan have the right to un-armed demonstrations, for legitimate peaceful purposes.

Article 37 [Confidentiality of Communication]

(1) Confidentiality and freedom of correspondence and communication whether in the form of letters or through telephone, telegraph and other means, are immune from invasion.

(2) The state does not have the right to inspect personal correspondence and communication unless authorized by the provisions of law.

Article 38 [Residence, Home, Search]

(1) A person's residence is immune from invasion.

(2) Other than the situations and methods indicated in the law, no one, including the state, are allowed to enter or inspect a private residence without prior permission of the resident or holding a court order.

(3) In case of an evident crime, an official in-charge of the situation can enter or conduct a house search prior to the permission of the court.

(4) The official involved in the situation is required to obtain a subsequent court order for the house search within the period indicated by law.

Article 39 [Movement, Settlement, Travel]

(1) Every Afghan has the right to travel or settle in any part of the country except in the regions forbidden by law.

(2) Every Afghan has the right to travel abroad and return home in accordance with the provisions of law.

(3) The state shall protect the rights of the citizens of Afghanistan abroad.



Article 40 [Private Property]

- (1) Property is immune from invasion.
- (2) No person shall be forbidden from acquiring and making use of a property except within the limits of law.
- (3) Nobody's property shall be confiscated without the provisions of law and the order of an authorized court.
- (4) Acquisition of a person's property, in return for a prior and just compensation within the bounds of law, is permitted only for securing public interests in accordance with the provisions of law.
- (5) Inspection and disclosure of a private property are carried out only in accordance with the provisions of law.

Article 41 [Property of Foreigners]

- (1) Foreign individuals do not have the right to own immovable property in Afghanistan.
- (2) Lease of immovable property for the purpose of investment is permissible in accord with law.
- (3) The sale of estates to diplomatic missions of foreign countries and to those international agencies, of which Afghanistan is a member, is permissible in accordance with the provisions of law.

Article 42 [Taxes, Duties]

- (1) Every Afghan is obligated to pay taxes and duties to the government in accordance with the provisions of law.
- (2) No taxes and duties are enforced without provisions of law.
- (3) The rate of taxes and duties and the method of payment are determined by law on the basis of observing social justice.
- (4) This provision is also applied to foreign individuals and agencies.
- (5) Every kind of tax, duties, and incomes collected, shall be delivered to the State account.

Article 43 [Education]

- (1) Education is the right of all citizens of Afghanistan, which shall be provided up to the level of the B.A. (lisâns), free of charge



by the state.

(2) The state is obliged to devise and implement effective programs for a balanced expansion of education all over Afghanistan, and to provide compulsory intermediate level education.

(3) The state is also required to provide the opportunity to teach native languages in the areas where they are spoken.

Article 44 [Education for Women and Nomads, Illiteracy]

The state shall devise and implement effective programs for balancing and promoting of education for women, improving of education of nomads and elimination of illiteracy in the country.

Article 45 [Unified Educational Curriculum]

The state shall devise and implement a unified educational curriculum based on the provisions of the sacred religion of Islam, national culture, and in accordance with academic principles, and develops the curriculum of religious subjects on the basis of the Islamic sects existing in Afghanistan.

Article 46 [Higher Education, Schools]

(1) Establishing and operating of higher, general and vocational education are the duties of the state.

(2) The citizens of Afghanistan also can establish higher, general, and vocational private educational institutions and literacy courses with the permission of the state.

(3) The state can also permit foreign persons to set up higher, general and vocational educational private institutes in accordance with the law.

(4) The conditions for admission to state higher education institutions and other related matters to be regulated by the law.

Article 47 [Science, Culture, Literature, Arts]

(1) The state shall devise effective programs for the promotion of science, culture, literature and the arts.

(2) The state guarantees the rights of authors, inventors, and



discoverers, and encourages and supports scientific researches in all areas, and publicizes the effective use of their results in accordance with the law.

Article 48 [Work]

- (1) Work is the right of every Afghan.
- (2) Working hours, paid holidays, right of employment and employee, and other related affairs are regulated by law.
- (3) Choice of occupation and craft is free within the limits of law.

Article 49 [Forced Labor]

- (1) Forced labor is forbidden.
- (2) Active participation, in times of war, calamity, and other situations threatening lives and public welfare is one of the primary duties of every Afghan.
- (3) Children shall not be subjected to forced labor.

Article 50 [Public Administration, Offices, Information]

- (1) The state is obliged to adopt necessary measures for creation of a strong and sound administration and realization of reforms in the administration system of the country after authorisation by the National Assembly.
- (2) Government offices are bound to carry their work with full neutrality and in compliance with the provisions of law.
- (3) The citizens of Afghanistan have the right of access to the information from the government offices in accordance with the provisions of law.
- (4) This right has no limits, unless violation of the rights of the others.
- (5) The citizens of Afghanistan are employed for state services on the basis of qualification without any kind of discrimination and in accordance with law.



Article 51 [Compensation]

- (1) Any person suffering undue harm by government action is entitled to compensation, which he can claim by appealing to court.
- (2) With the exception of situation stated in the law, the state cannot claim its right without the order of an authorized court.

Article 52 [Health Care, Hospitals, Physical Education, Sports]

- (1) The state is obliged to provide free means of preventive health care and medical treatment, and proper health facilities to all citizens of Afghanistan in accordance with the law.
- (2) The state encourages and protects the establishment and expansion of private medical services and health centers in accordance with law.
- (3) The state in order to promote physical education and improve national and local sports adopts necessary measures.

Article 53 [Handicapped]

- (1) The state takes necessary measures for regulating medical services and financial support to descendants of those who were martyred or are missing, to disabled or handicapped, and their active participation and re-integration into society in accordance with the law.
- (2) The state guarantees the rights and privileges of pensioners and disabled and handicapped individuals and as well renders necessary assistance to needy elders, women without caretakers, and needy orphans in accordance with the law.

Article 54 [Family]

- (1) Family is a fundamental unit of society and is supported by the state.
- (2) The state adopts necessary measures to ensure physical and psychological well being of family, especially of child and mother, upbringing of children and the elimination of traditions contrary to the principles of sacred religion of Islam.



Article 55 [Defense, Military Service]

- (1) The defense of the country is the responsibility of all citizens of Afghanistan.
- (2) The conditions for military services are regulated by law.

Article 56 [Obeying the Law]

- (1) Observing the provisions of the Constitution, obeying the laws, adhering to public law and order are the duties of all people of Afghanistan.
- (2) Ignorance about the provisions of law is not considered an excuse.

Article 57 [Rights of Foreigners]

- (1) The state guarantees the rights and liberties of the foreign citizens residing in Afghanistan in accordance with the law.
- (2) These people are obliged to observe the laws of the state of Afghanistan in accordance with the International Law.

Article 58 [Human Rights Commission]

- (1) The State, for the purpose of monitoring the observation of human rights in Afghanistan, to promote their advancement (behdud) and protection, shall establish the Independent Human Rights Commission of Afghanistan.
- (2) Any person, whose fundamental rights have been violated can file complaint to the Commission.
- (3) The Commission can refer cases of violation of human rights to the legal authorities, and assist in defending the rights of the complainant.
- (4) The structure, and functions of this Commission shall be regulated by law.



Article 59 [Misuse of Rights]

No one can misuse the rights and freedoms under this Constitution against the independence, territorial integrity, sovereignty and national unity.

Chapter III The President

Article 60 [Head of State, Vice Presidents]

(1) The President is the head of state of the Islamic Republic of Afghanistan, and conducts his authorities in executive, legislative, and judiciary branches in accordance with the provisions of this Constitution.

(2) The President shall have two Vice Presidents, one first and one second.

(3) The candidate to the Presidency on his or her candidacy shall declare the name of the Vice Presidents to the nation.

(4) The Vice President in the absence, resignation, and or death of the President, acts in accordance with the provisions of this constitution.

Article 61 [Direct Election]

(1) The President is elected by receiving more than 50% of the votes cast through free, general, secret, and direct voting.

(2) The presidential term is expired at the first of Jawza of the fifth years after the elections.

(3) Elections for the new president are held within thirty, to sixty days before the end of the presidential term.

(4) If none of the candidates succeeds to receive more than 50% of the votes in the first round, a run-off election shall be held within two weeks.

(5) In this round, only two candidates with the highest number of votes will participate.

(6) In the run-off, the candidate who gets the majority of the



votes shall be elected as the President.

(7) In case of death of one of the candidates during the first or second round, after the elections or prior to the announcement of the results of elections, new elections shall be held in accordance with the provisions of law.

(8) The elections for the post of president shall be held under the supervision of the Independent Commission supervising of the Elections.

(9) This Commission shall be established to supervise all elections and referendums in the country, in accordance with the provisions of law.

Article 62 [Qualifications]

(1) Presidential candidates should possess the following qualification:

- Should be citizen of Afghanistan, Muslim and born of Afghan parents, and should not have citizenship of another country.
- On the day of becoming a candidate, his age should not be less than forty years.
- Should not have been convicted of crimes against humanity, criminal act, or deprivation of the civil rights by a court.

(2) No one can be elected as president for more than two terms.

(3) The provision of this article is applied to the Vice Presidents as well.

Article 63 [Oath of Allegiance]

The President-elect, prior to resumption of his/her duties, performs the following oath of allegiance in the presence of members of the National Assembly and the chief justice:

"In the name Allah, the Merciful, the Compassionate

In the name God Almighty, in the presence of you representatives of the nation of Afghanistan, I swear to obey and safeguard the provisions of the sacred religion of Islam, to observe the Constitution and other laws of Afghanistan and supervise their implementation; to safeguard the independence, national sovereignty, and the territorial integrity of Afghanistan and the



fundamental rights and interests of the people of Afghanistan, and with the assistance of God and the support of the nation, to make great and sincere efforts for the happiness and progress of the people of Afghanistan."

Article 64 [Powers and Duties]

The powers and duties of the President are as follows:

- Supervising the implementation of the Constitution.
- Determining the fundamental policies of the state with the approval of the National Assembly.
- Being the Command-in-Chief of the armed forces of Afghanistan.
- Declaration of war and cease-fire with the approval of the National Assembly.
- Taking the required decision during defending of territorial integrity and protecting of the independence.
- Sending contingents of the armed forces to foreign countries with the approval of the National Assembly.
- Convening Grand Council [*Loya Jirga*] except in a situation stated in Article 68 of this Constitution.
- Declaring the state of emergency and ending it with the approval of the National Assembly.
- Inaugurating the National Assembly and the Grand Council [*Loya Jirga*].
- Accepting resignation of the Vice President.
- Appointing of Ministers, the Attorney General, the Director of the Central Bank, Head of the National Security Directorate and the President of the Afghan Red Crescent Society with the approval of the House of Representatives [*Wolesi Jirga*], and acceptance of their dismissal and resignation.
- Appointing the head and members of the Supreme Court with the approval of the House of Representatives [*Wolesi Jirga*].
- Appointment, retirement and acceptance of resignation and dismissal of judges, officers of the armed forces, police, national security, and high-ranking officials in accordance with the law.
- Appointment of heads of diplomatic missions of



Afghanistan in foreign countries and international organizations.

- Accepting the credentials of diplomatic missions in Afghanistan.
- Signing of laws and legislative decrees.
- Issuing credential letter for the conclusion of bi-lateral and international treaties in accordance with the provisions of law.
- Reducing and pardoning penalties in accordance with law.
- Issuing medals, and honorary titles in accordance with the provision of law.
- The establishment of commissions for the improvement of the administrative condition of the country, in accordance with law.
- Exercising other authorities in accordance with the provisions of this Constitution.

Article 65 [Call for Referendum]

- (1) The President can call for a referendum on important national, political, social or economic issues.
- (2) Call for referendum shall not be contrary to the provisions of this constitution or for the amendment of it.

Article 66 [Restrictions]

- (1) The President takes into consideration the supreme interests of the people of Afghanistan while enforcing the powers stated in this Constitution.
- (2) The President cannot sell or bestow state properties without the provisions of the law.
- (3) The President cannot act based on linguistic, ethnic, religious, political, and regional considerations during his term in office.

Article 67 [Resignation]

- (1) In case of resignation, impeachment, or death of the President, or of a serious illness that could hinder the performance of duties, the First Vice President undertakes his duties and authorities.
- (2) The President declares his resignation personally to the National Assembly.
- (3) The serious illness shall be proved by an authorized medical committee appointed by the Supreme Court.



(4) In this case, election for the new President shall be held within the period of three months in accordance with the Article 61 of this constitution.

(5) During the time when the First Vice President fills in as the interim President, he cannot perform the following:

- Amendment of the constitution
- Dismissal of ministers.
- Call for a referendum.

(6) During this period the Vice Presidents can nominate themselves as candidates for the post of President in accordance with the provisions of this constitution.

(7) In the absence of the President, the duties of the First Vice President shall be determined by the President.

Article 68 [Replacement]

(1) In case of resignation and or death of one of the Vice President, another person shall replace him by the proposal of the President and approval of the House of Representatives [*Wolesi Jirga*].

(2) In case of simultaneously death of the President and First Vice President, his duties shall be implemented in turn by the Second Vice President, by the Chair of the Senate [*Meshrano Jirga*], Chair of the House of Representatives [*Wolesi Jirga*], and in the absence of the Chair of the House of Representatives [*Wolesi Jirga*], the Foreign Minister shall take the duties of the President in accordance with the Article 67 of this constitution.

Article 69 [Impeachment]

(1) The President is responsible to the nation and the House of Representatives [*Wolesi Jirga*] in accordance with this article.

(2) Accusations of crime against humanity, national treason or crime can be leveled against the President by one third of the members of the House of Representatives [*Wolesi Jirga*].

(3) If two third of the House of Representatives [*Wolesi Jirga*] votes for charges to be brought forth, the House of



Representatives [*Wolesi Jirga*] shall convene a Grand Council [*Loya Jirga*] within one month.

(4) If the Grand Council [*Loya Jirga*] approve the accusation by a two-thirds majority of votes the President is then dismissed, and the case is referred to a special court.

(5) The special court is composed of three members of the House of Representatives [*Wolesi Jirga*], and three members of the Supreme Court appointed by the Grand Council [*Loya Jirga*] and the Chair of the Senate [*Meshrano Jirga*].

(6) The lawsuit is conducted by a person appointed by the Grand Council [*Loya Jirga*].

(7) In this situation, the provisions of Article 67 of this Constitution are applied.

Article 70 [Salary]

(1) The salary and expenditures of the President are regulated by law.

(2) After expiration of his term, the President is entitled to financial benefits of the presidency for the rest of his life in accordance with the law except in the case of dismissal.

Chapter IV The Government

Article 71 [Ministers]

(1) The government consists of the ministers who work under the Chairmanship of the President.

(2) Ministers are appointed by the President and shall be introduced for approval to the National Assembly.

Article 72 [Qualifications]

The person who is appointed as the Minister, should have the following qualifications:

-- Must have only the citizenship of Afghanistan. Should a nominee for a ministerial post also hold the citizenship of another



country, the House of Representatives [*Wolesi Jirga*] shall have the right to confirm or reject his or her nomination.

-- Should have higher education, work experience and, good reputation.

-- His age should not be less than thirty-five.

-- Should not have been convicted of crimes against humanity, criminal act, or deprivation of civil rights by a court.

Article 73 [Incompatibility]

(1) The Ministers can be appointed from within and without the National Assembly.

(2) If a member of the National Assembly is appointed as a minister, he loses his membership in the National Assembly, and is replaced by another person in accordance with the provisions of law.

Article 74 [Oath of Office]

Prior to taking office, the minister perform the following oath in the presence of the President:

"In the name of Allah, the merciful and compassionate:

I swear in the name of God Almighty to support the provisions of the sacred religion of Islam, follow the Constitution and other laws of Afghanistan, protect the rights of citizens, and safeguard the independence, territorial integrity and national unity of Afghanistan, and consider God Almighty present in performing all my responsibilities, and honestly perform the duties assigned to me."

Article 75 [Duties of the Government]

The government has the following duties.

-- Execute the provision of this Constitution, other laws, and final orders of the courts.

-- Protect the independence, defend the territorial integrity, and safeguard the interests and dignity of Afghanistan in the international community.

-- Maintenance of public law and order and elimination of



administrative corruption.

- Prepare the budget, regulate financial affairs, and protect public wealth.
- Devise and implement programs for social, cultural, economic, and technological progress.
- Report to the National Assembly at the end of the fiscal year about the tasks accomplished and about the main plans for the new fiscal year.
- Perform other duties as recognized by this Constitution and other laws to be duties of the government.

Article 76 [Regulations]

- (1) In order to implement the main policies of the country, and regulation of its duties, the government shall devise and approve regulations.
- (2) These regulations should not be contradictory to the text and spirit of any law.

Article 77 [Heads of Administrative Units]

- (1) As heads of administrative units and members of the government, the ministers perform their duties within the limits determined by this Constitution and other laws.
- (2) The Ministers are responsible to the President and the House of Representatives [*Wolesi Jirga*] for their particular duties.

Article 78 [Impeachment]

If a Minister is accused of crime against humanity, national treason or criminal act of a crime, the case shall be referred to a special court in accordance with the Article 134 of this constitution.

Article 79 [Emergency Legislation by Decree]

- (1) In cases of recess of the House of Representatives [*Wolesi Jirga*], the government can adopt legislation in an emergency situation on matters other than those related to budget and financial affairs.
- (2) The legislative decrees become laws after they are



signed by the President.

(3) The legislative decrees should be submitted to the National Assembly in the course of thirty days beginning from the first session of the National Assembly.

(4) In case of rejection by the National Assembly, the legislations become void.

Article 80 [Restrictions]

The Minister during the course of their work cannot use their posts for linguistic, regional, ethnic, religion and partisan purposes.

Chapter V The National Assembly

Article 81 [National Assembly]

(1) The National Assembly of the Islamic Republic of Afghanistan as the highest legislative organ is the manifestation of the will of its people and represents the whole nation.

(2) Every member of the National Assembly takes into judgment the general welfare and supreme interests of all people of Afghanistan at the time of casting their vote.

Article 82 [Two Houses]

(1) The National Assembly consists of two houses: House of Representatives [*Wolesi Jirga*] (the House of People) and Senate [*Meshrano Jirga*]. (House of Elders).

(2) No one can become member of both houses simultaneously.

Article 83 [House of Representatives]

(1) Members of the House of Representatives [*Wolesi Jirga*] are elected by the people through free, general, secret, and direct elections.

(2) Their mandate ends on the 1st of Saratan of the fifth year after the elections, and the new assembly starts its work.

(3) The election of the members of the House of Representatives [*Wolesi Jirga*] shall be held within 30 to 60 days before the expiry of



the term of the House of Representatives [*Wolesi Jirga*].

(4) The number of members of the House of Representatives [*Wolesi Jirga*], proportionate to the population of each region, shall be not more than two hundred and fifty.

(5) Electoral constituency and other related issues shall be determined by election laws.

(6) In the election law measures should be adopted for so the election system shall provide general and just representation for all the people of the country, and at least two female delegate should be elected from each province.

Article 84 [Senate]

(1) Members of the Senate [*Meshrano Jirga*] are elected and appointed as follows:

(2) From among the members of each provincial council, the respective council elects one person for a period of four years.

(3) From among the district councils of each province, the respective councils elect one person for a period of three years.

(4) The President from among experts and experienced personalities -- including two representatives from the disabled and impaired and two representatives from the Kochis -- appoints the remaining one-third of the members for a period of five years.

(5) The president appoints 50% of these people from among women.

(6) A person, who is appointed as a member of the Senate [*Meshrano Jirga*], shall relinquish his membership in the respective council, and another person replaces him in accordance with the law.

Article 85 [Qualifications]

(1) A person who is nominated or appointed as a member of the National Assembly should have the following qualifications in addition to those considered by voters.

(2) Should be the citizen of Afghanistan, or has obtained the citizenship of the state of Afghanistan at least ten years before becoming a candidate.



(3) Should not have been convicted by a court for committing a crime against humanity, a crime, or sentenced of deprivation of his civil rights .

(4) Members of House of Representatives [*Wolesi Jirga*] should be Twenty Five years old at the date of candidacy, and members of the Senate [*Meshrano Jirga*] should be Thirty Five years old at the date of candidacy or appointment.

Article 86 [Independent Electoral Commission]

Credentials of members of the National Assembly are reviewed by the Independent Electoral Commission in accordance with law.

Article 87 [Chairperson]

(1) In the beginning of the legislative period, each one of the two houses elects one of its members as the Chairperson, and two people as the first and second Vice Chairperson, and two people as the secretary and assistant secretary for a period of one year.

(2) These individuals constitute the administrative board in their respective houses.

(3) The duties of the administrative boards are determined in the regulations pertaining to the internal duties of each house.

Article 88 [Commissions]

Each house of the National Assembly sets up commissions to study the topics under discussion in accordance with its internal regulations.

Article 89 [Special Commission for Inquiry]

(1) The House of Representatives [*Wolesi Jirga*] has the authority to set up a special commission if one-third of its members put forward a proposal to inquire about and study government actions.

(2) The composition and procedure of this commission shall be specified by the internal regulations of the House of Representatives [*Wolesi Jirga*].

Article 90 [Powers of then National Assembly]



The National Assembly has the following powers:

- Ratification, modification, or abrogation of laws and or legislative decrees.
- Approval of plans for economic, social, cultural, and technological development.
- Approval of state budget, permission for obtaining, and granting loans.
- Creation, modification of administrative units.
- Ratification of international treaties and agreements, or abrogation of the membership of Afghanistan to them.
- Other authorities specified in this Constitution.

Article 91 [Powers of the House of Representatives]

House of Representatives [*Wolesi Jirga*] has the following special powers:

- Deciding on interpellation of each of the ministers in accordance with the provisions of Article 92 of this constitution.
- Taking the final decision about the state's development programs and state budget, in case of a disagreement between the House of Representatives [*Wolesi Jirga*] and the Senate [*Meshrano Jirga*].
- Approval of the appointments according to the provisions of this constitution.

Article 92 [Interpellation, Vote of No Confidence]

- (1) House of Representatives [*Wolesi Jirga*], based on a proposal by one-tenth of all members, can interpellate each of the Ministers.
- (2) If the responses given are not satisfactory, House of Representatives [*Wolesi Jirga*] shall consider the issue of vote of no confidence.
- (3) Vote of no confidence on a Minister should be explicit, direct, and on the basis of well founded reasons.
- (4) This vote should be approved by a majority of all members of the House of Representatives [*Wolesi Jirga*].



Article 93 [Questioning]

- (1) Any commission of both Houses of the National Assembly can question each of the Ministers about specific topics.
- (2) The person questioned can provide verbal or written response.

Article 94 [Legislation, Veto, Qualified Vote]

- (1) Law is what both Houses of the National Assembly approve and the President endorses unless this Constitution states otherwise.
- (2) In case the President does not agree to what the National Assembly approves, he or she can send the document back with justifiable reasons to the House of Representatives [*Wolesi Jirga*] within fifteen days of its submission.
- (3) With the passage of this period or in case the House of Representatives [*Wolesi Jirga*] approves a particular case again with a majority of two-thirds votes, the bill is considered endorsed and enforced.

Article 95 [Initiatives]

Proposal for the promulgation of a law can be initiated by the government, or members of the National Assembly, and in the domain of regulating the judicial affairs through the Supreme Court by the government.

Article 96 [Financial Affairs]

Proposal for budget and financial affairs are initiated only by the government.

Article 97 [Form and Procedure]

- (1) Proposals for promulgation of law initiated by the government are submitted first to the House of Representatives [*Wolesi Jirga*].
- (2) If a proposal for the promulgation of law includes



imposition of new taxes or reduction in state incomes, it is included in the working agenda on condition that an alternative source is also envisioned.

(3) The House of Representatives [*Wolesi Jirga*] approves or rejects the proposal of the promulgation of law including budget and financial affairs and the proposal of taking or giving loan after discussion as a whole.

(4) The House of Representatives [*Wolesi Jirga*] cannot delay the proposal more than one month.

(5) The proposed draft of law is submitted to the Senate [*Meshrano Jirga*], after its approval by the House of Representatives [*Wolesi Jirga*].

(6) The Senate [*Meshrano Jirga*] decides on the draft within a period of fifteen days

(7) The National Assembly shall give priority to the promulgation of laws, treaties, and development plans of the government that require argent consideration and decision as per the request of the government.

(8) If a proposal for promulgation of law is initiated by ten members of one of the two Houses and then approved by one fifth members of the respective houses, it can be admitted to the agenda of the respective houses.

Article 98 [Budget]

(1) The state budget and development plan of the government is submitted through the Senate [*Meshrano Jirga*] along with an advisory comments to the House of Representatives [*Wolesi Jirga*].

(2) The decision of the House of Representatives [*Wolesi Jirga*], irrespective of the consent of the Senate [*Meshrano Jirga*], is enforceable after it is signed by the President.

(3) If for some reasons the budget is not approved before the beginning of the new fiscal year, the budget of the year before is applied until the approval of the new budget.

(4) The government is obligated to give to the House of Representatives [*Wolesi Jirga*] the budget of the new fiscal year and a brief account of the current year's budget within the



forth quarter of the fiscal year.

(5) The definite account of the previous fiscal year shall be submitted by the government to the House of Representatives [*Wolesi Jirga*] within six months of the new year, in accordance with the provisions of law

(6) House of Representatives [*Wolesi Jirga*] cannot delay the approval of the budget for more than one month or permission to give or take loan for more than a 15 days.

(7) If during this period House of Representatives [*Wolesi Jirga*] does not take any decision with regards to taking or giving loan, the proposal will be considered as approved.

Article 99 [Budget Debate]

If, during a session of the National Assembly, the annual budget or a developmental plan or an issue related to public security, territorial integrity, and the country's independence is under discussion, the session of the assembly cannot end before the approval of the matter.

Article 100 [Combined Committee]

(1) In case the decision of one house is rejected by another house, a combined committee composed of equal members of each house is formed to resolve the disagreement.

(2) The decision of the committee is enforced after its approval by the President.

(3) In case the combined committee cannot solve the disagreement, the defeated resolution is considered void. And, if the resolution is approved by the House of Representatives [*Wolesi Jirga*], it can be approved in the next session of the House of Representatives [*Wolesi Jirga*] by the majority of its members.

(4) This approval is assumed as enforceable, after it is signed by the President, without submission to the Senate [*Meshrano Jirga*].

(5) In case the disagreement between the two houses is over legislations involving financial affairs, and the combined committee is not able to resolve it, the House of Representatives [*Wolesi Jirga*] can approve the draft by the majority vote of its



members.

(6) This draft is assumed as enforceable without submission to the Senate [*Meshrano Jirga*] after it is signed by the President.

Article 101 [Indemnity]

No member of the National Assembly is legally prosecuted due to expressing his views while performing his duty.

Article 102 [Immunity]

(1) When a member of the National Assembly is accused of a crime, the law enforcement authority informs the house, of which the accused is member, about the case, and the accused member can be prosecuted.

(2) In case of an evident crime, the law enforcement authority can legally pursue and arrest the accused without the permission of the house, which the accused is a member of.

(3) In both cases, when legal prosecution requires detention of the accused, law enforcement authorities are obligated to inform the respective house, about the case immediately.

(4) If the accusation takes place when the assembly is in recess, the permission of arrest is obtained from the administrative board of the respective house and the decision of this board is presented to the first session of the aforementioned house for a decision.

Article 103 [Ministerial Participation]

(1) The ministers can participate in the sessions of each one of the two houses of the National Assembly.

(2) Each house of the National Assembly can demand the participation of Ministers to take part in its session.

Article 104 [Sessions]

(1) Both houses of the National Assembly hold their sessions separately at the same time.

(2) Under the following circumstances, both houses can hold joint sessions:



-- When the legislative session, or the annual session is inaugurated by the President.

-- When it is deemed necessary by the President.

(3) In this case the head of the House of Representatives [*Wolesi Jirga*], chairs the joint session of the National Assembly.

Article 105 [Publicity]

(1) The sessions of the National Assembly are open unless the Chairman of the assembly, or at least ten members of the National Assembly request their secrecy and the assembly accepts this request.

(2) No one shall enter the building of the National Assembly by force.

Article 106 [Quorum]

The quorum for sessions of each house of the National Assembly is a majority of its members, and its decisions are taken by majority of the members present, unless this Constitution states otherwise.

Article 107 [Ordinary and Extraordinary Sessions]

(1) The National Assembly convenes two ordinary sessions each year.

(2) The term of the National Assembly in each year is nine months.

(3) When necessary, the assembly can extend this period.

(4) Extraordinary sessions of the assembly during recess can take place by the order of the President.

Article 108 [Death, Resignation, Dismissal]

(1) In cases of death, resignation or dismissal of a member of the House of Representatives [*Wolesi Jirga*], and/or disability or handicap, which prevents performance of duties permanently, election in the related constituency is held for a new representative for the rest of the legislative period, in accordance with the law.

(2) In the above-mentioned situations, a new member of the Senate [*Meshrano Jirga*] shall be appointed in accordance with Article 87 of this Constitution.



(3) Matters involving the presence or absence of members of the National Assembly are regulated according to internal rules.

Article 109 [Amendments of the Electoral Law]

Proposals for amendments of the electoral law cannot be included in the working agenda of the assembly during the last year of the legislative period.

Chapter VI Grand Council [*Loya Jirga*]

Article 110 [Composition, Participation]

(1) Grand Council [*Loya Jirga*] is the highest manifestation of the people of Afghanistan.

(2) Grand Council [*Loya Jirga*] consists of the following:

-- Members of the National Assembly.

-- Chairpersons of the provincial, and district councils.

(3) The ministers, Chief Justice and members of the Supreme Court, can participate in the sessions of the Grand Council [*Loya Jirga*] without the right to vote.

Article 111 [Powers]

Grand Council [*Loya Jirga*] is convened in the following situations:

-- To take decision on the issues related to independence, national sovereignty, territorial integrity, and supreme interests of the country.

-- To amend the provisions of this Constitution.

-- To prosecute the President in accordance with the provisions of Article 69 of this Constitution.

Article 112 [Chairperson]

The Grand Council [*Loya Jirga*] in its first session elects from among its members a chairperson, a deputy-chair, and a secretary and an assistant secretary.



Article 113 [Quorum]

- (1) The quorum of the Grand Council [*Loya Jirga*] for voting is completed by the majority of members.
- (2) The decisions of the Grand Council [*Loya Jirga*] are taken by a majority of the present members except in cases as explicitly stated in this Constitution.

Article 114 [Publicity]

Discussions of the Grand Council [*Loya Jirga*] are open except when one--fourth of its members demand their secrecy, and the Grand Council [*Loya Jirga*] accepts this demand.

Article 115 [Indemnity and Immunity]

During the session of a Grand Council [*Loya Jirga*], the provision of Articles 101 and 102 of this Constitution are applied on its members.

Chapter VII The Judiciary

Article 116 [Independence]

- (1) The judicial branch is an independent organ of the state of the Islamic Republic of Afghanistan.
- (2) The judicial branch consists of the Supreme Court (*Stera Mahkama*), High Courts, Appeal Courts. Structure of authorities of which are determined by law.
- (3) The Supreme Court as the highest judicial organ, heads the judiciary organ of the Islamic Republic of Afghanistan.

Article 117 [Supreme Court]

- (1) The Supreme Court is composed of nine members who are appointed by the President for a period of ten years with the approval of the House of Representatives [*Wolesi Jirga*] with observance of the provisions of last paragraph of the Article 50 and Article 118 of this Constitution. In the beginning the appointment



will be as such:

(2) Three members are appointed for a period of four years, three members for seven years and three members for ten years. Later appointments will be for a period of ten years.

(3) The appointment of the members for the second term is not permissible.

(4) The President appoints one of its members as the Head of the Supreme Court.

(5) Members in no way can be dismissed from their service until the end of their term, except circumstances stated in Article 127 of this Constitution.

Article 118 [Qualifications for the Supreme Court]

A member of the Supreme Court shall have the following qualifications:

-- The age of the Head of the Supreme Court and its members should not be lower than forty at the time of appointment

-- Shall be a citizen of Afghanistan.

-- Shall have a higher education in law or in Islamic jurisprudence, and shall have sufficient expertise and experience in the judicial system of Afghanistan.

-- Shall have high ethical standards and a reputation of good deeds.

-- Shall not have been convicted of crimes against humanity, crimes, and sentenced of deprivation of his civil rights by a court.

-- Shall not be a member of any political party during the term of official duty.

Article 119 [Oath of Office for the Supreme Court]

Members of the Supreme Court take the following oath in the presence of the President before occupying the post:

"In the name Allah, the Merciful and the Compassionate

I swear in the name of God Almighty to support justice and righteousness in accord with the provisions of the sacred religion of Islam and the provisions of this Constitution and other laws of Afghanistan, and to execute the duty of being a judge with utmost honesty, righteousness and nonpartisanship."



Article 120 [Duty to Decide]

The authority of the judicial organ is to attend to all lawsuits in which real individuals or incorporeal including the state stand before it as plaintiff or defendant and in its presence is expressed in accord with provisions of the law.

Article 121 [Judicial Review]

The Supreme Court upon request of the Government or the Courts can review compliance with the Constitution of laws, legislative decrees, international treaties, and international conventions, and interpret them, in accordance with the law.

Article 122 [Guaranteed Jurisdiction]

- (1) No law, under any circumstance, can transfer a case from the jurisdiction of the judicial branch to another organ as has been determined in this Constitution.
- (2) This provision does not apply to establishing special Courts stated in Articles 69, 78 and 127 of this Constitution and military courts in matters relating to them.
- (3) The structure and authority of these courts are regulated by law.

Article 123 [Judiciary]

With observance of the provisions of this Constitution, the rules related to the structure, authority, and performances of the courts, and the duties of judges are regulated by law.

Article 124 [Judicial Administration]

Other officials and administrative personnel of the judicial branch are subject to the provisions of the laws related to the officials and other administrative personnel of the state, but their appointment, dismissal, promotion, pension, rewards and punishments are regulated by the Supreme Court in accordance with the law.

Article 125 [Judicial Budget]

- (1) The budget of the judicial branch is arranged in



consultation with the government by the Supreme Court and presented to the National Assembly by the government as part of the state budget.

(2) Implementation of the budget of the judicial branch is the authority of the Supreme Court.

Article 126 [Remuneration of the Supreme Court]

Members of the Supreme Court enjoy official financial benefits for the rest of their lives provided they do not occupy state and political positions.

Article 127 [Judicial Impeachment]

(1) When more than one-third of the members of the House of Representatives [*Wolesi Jirga*] demand the trial of the Chief Justice, or a member of the Supreme Court due to a crime committed during the performance of duty, and the House of Representatives [*Wolesi Jirga*] approves of this demand by a majority of two-thirds votes, the accused is dismissed from his post and the case is referred to a special court.

(2) The setting up of the court and the procedures of trial are regulated by law.

Article 128 [Publicity of Courts]

(1) In the courts of Afghanistan, trials are open and everyone is entitled to attend trials within the bounds of law.

(2) The court, in situations which are stated in the law or in situations in which the secrecy of the trial is deemed necessary, can conduct the trial behind closed doors, but the announcement of the court decision should be open in all instances.

Article 129 [Legal Reasoning, Capital Punishment]

(1) The court is obliged to state the reasons for the decision it issues.

(2) All specific decisions of the courts are enforceable, except for capital punishment, which is conditional upon approval of the President.



Article 130 [Judicial Discretion]

- (1) While processing the cases, the courts apply the provisions of this Constitution and other laws.
- (2) When there is no provision in the Constitution or other laws regarding ruling on an issue, the courts' decisions shall be within the limits of this Constitution in accord with the *Hanafi* jurisprudence and in a way to serve justice in the best possible manner.

Article 131 [Shia Law for Shia Followers]

- (1) Courts shall apply *Shia* school of law in cases dealing with personal matters involving the followers of *Shia* Sect in accordance with the provisions of law.
- (2) In other cases if no clarification by this constitution and other laws exist and both sides of the case are followers of the *Shia* Sect, courts will resolve the matter according to laws of this Sect.

Article 132 [Appointment of Judges]

- (1) Judges are appointed with the recommendation of the Supreme Court and approval of the President.
- (2) The appointment, transfer, promotion, punishment, and proposals to retire judges are within the authority of the Supreme Court in accordance with the law.
- (3) The Supreme Court shall establish the General Administration Office of the Judicial Power for the purpose of better arrangement of the administration and judicial affairs and insuring the required improvements.

Article 133 [Prosecution of Judges]

- (1) When a judge is accused of having committed a crime, the Supreme Court shall inquire about the case involving the judge in accordance with the law.
- (2) After listening to his defense, when the Supreme Court regards the accusation to be valid, it shall present a proposal about the judge's dismissal to the President.
- (3) After the Presidential approval, the accused judge is



dismissed from duty, and punished in accordance with the provisions of the law.

Article 134 [Attorney's Office]

(1) Discovery of crimes is the duty of the police and investigation and prosecution are conducted by the Attorney's Office in accordance with the provisions of the law.

(2) The Attorney's Office is part the Executive branch, and is independent in its performances.

(3) The structure, authority, and activities of the Attorney's Office are regulated by law.

(4) Discovery and investigation of crimes related to the armed forces are regulated by a special law.

Article 135 [Trial Language]

If parties involved in a case do not know the language in which the trial is conducted, they have the right to understand the material and documents related to the case through an interpreter and the right to speak in their mother language in the court.

Chapter VIII The Administration

Article 136 [Principles]

(1) The Administration of Islamic Republic of Afghanistan shall be based on central and local administrative units in accordance with the law.

(2) The central administration is divided into a number of administrative units, each of which shall be headed by a minister.

(3) The local administrative unit is a province.

(4) The number, area, parts, and structures of the provinces and the related administrations are regulated by law on the basis of population, social and economic conditions, and geographic location.



Article 137 [Decentralization]

The government, while preserving the principle of centralism, shall -- in accordance with the law -- delegate certain authorities to local administration units for the purpose of expediting and promoting economic, social, and cultural affairs, and increasing the participation of people in the development of the nation.

Article 138 [Provincial Council]

- (1) In every province a provincial council is to be formed.
- (2) Members of the provincial council are elected in proportion to the population by free, direct, secret ballot, and general elections by the residents of the province for a period of four years in accordance with the law.
- (3) The provincial council elects one of its members as Chairman.

Article 139 [Development Targets]

- (1) The provincial council takes part in securing the developmental targets of the state and improving its affairs in a way stated in the law, and gives advice on important issues falling within the domain of the province.
- (2) Provincial councils perform their duties in cooperation with the provincial administration.

Article 140 [District and Village Councils]

- (1) In order to organize activities involving people and provide them with the opportunity to actively participate in the local administration, councils are set up in districts and villages in accordance with the provisions of the law.
- (2) Members of these councils are elected by the local people through, free, general, secret and direct elections for a period of three years.
- (3) The participation of nomads in these councils is regulated by law.



Article 141 [Municipalities]

- (1) Municipalities shall be set up in order to administer city affairs.
- (2) The mayor and members of the municipal councils are elected by free, general, secret, and direct elections.
- (3) The affairs related to municipalities are regulated by law.

Article 142 [Administrative Departments]

For the purpose of the implementation of the provisions, and ensuring the values of this constitution, the state shall establish the required departments.

Chapter IX The State of Emergency

Article 143 [Declaration]

- (1) If due to war, threat of war, serious rebellion, natural disasters, or situations similar to these protecting the independence or nation's survival becomes impossible by following the provision of this Constitution, the President in confirmation of National Assembly shall declare a state of emergency in some or all parts of the country.
- (2) If the state of emergency continues for more than two months, the agreement of National Assembly is required for its extension.

Article 144 [Government Authority]

During the state of emergency, the President, with the consultations of heads of the National Assembly, and Chief Justice can transfer some authorities of the National Assembly to the government.

Article 145 [Suspended Provisions]

During the state of emergency, the President with the consent of the heads of the National Assembly and the Supreme Court, can suspend the validity of the following Articles or can place restrictions on them:



1. Paragraph two of Article 27.
2. Article 36.
3. Paragraph two of Article 37.
4. Paragraph two of Article 38.

Article 146 [Prohibition of Constitutional Amendments]

During the state of emergency, the Constitution cannot be amended.

Article 147 [Extended Terms of Office]

(1) If the Presidential term of office, and or the legislative period expire during a state of emergency, the new elections shall be postponed, and the presidency, and the legislative period shall be extended for up to four months.

(2) If the state of emergency continues for more than four months, a Grand Council [*Loya Jirga*] shall be called by the President for further decisions.

(3) Following the termination of state of emergency, election would be held within two months

Article 148 [Invalidation of Emergency Measures]

After the end of the state of emergency, the measures adopted on the basis of Articles 144 and 145 of this Constitution shall be considered invalid immediately.

Chapter X Amendments

Article 149 [Islam, Fundamental Rights]

(1) The provisions of adherence to the fundamentals of the sacred religion of Islam and the regime of the Islamic Republic cannot be amended.

(2) The amendment of the fundamental rights of the people are permitted only in order to make them more effective.

(3) Considering new experiences and requirements of the time, other contents of this Constitution can be amended



by the proposal of the President or by the majority of the National Assembly in accordance with the provisions of Article 67 and 146 of this constitution.

Article 150 [Drafting Commission, Grand Council]

(1) In order to implement proposals regarding the amendment of the Constitution, a Commission composed of members of the Government, National Assembly, and the Supreme Court, shall be established by a Presidential decree, and the commission shall prepare a draft of the amendments.

(2) For approval of the amendments, a Grand Council [*Loya Jirga*] shall be convened by the decree of the President in accordance with the provisions of the Chapter on the *Loy Jirga*.

(3) When the Grand Council [*Loya Jirga*] approves an amendment by a majority of two-thirds of its members, it shall be enforced after endorsement by the President.

Chapter XI Miscellaneous Provisions

Article 151 [Economic Incompatibility]

(1) The President, Vice Presidents, Ministers, Head and members of the Supreme Court, Head of the Central Bank, National Security Directorate, Governors and Mayors cannot engage in any profitable business contracts with the government or individuals during their term of office.

(2) Contracts for the purpose of fulfilling personal needs are exception to this provision.

Article 152 [Official Incompatibility]

The President, Vice President, ministers, heads and members of the National Assembly, the Supreme Court, and judges, cannot undertake other jobs during their terms of office.

Article 153 [Party Incompatibility]

Judges, Attorneys, and Officers of the Armed Forces and



Police, and members of the National Security, cannot be members of political parties during their terms of office.

Article 154 [Economic Transparency]

Property of the President, Vice Presidents, ministers, members of the Supreme Court and the Attorney General before and after their term of office would be registered and monitored by an organ to be set by law.

Article 155 [Salaries and Remuneration]

For the ministers, members of the National Assembly, the Supreme Court, Attorney General and judges, appropriate salaries shall be paid in accordance with the provisions of law.

Article 156 [Election and Referendum]

The Independent Electoral Commission will be established to organise and supervise any election and to hold a referendum within the country based on the provisions of the law.

Article 157 [Implementation of the Constitution]

The Independent Commission for the Supervision of the Implementation of the Constitution will be established by law. Members of this Commission will be appointed by the President.

Chapter XII Transitional Provisions

Article 158 [Father of the Nation]

The Title of the Father of the Nation and the privileges granted by the Emergency Grand Council [*Loya Jirga*] of 1381 (2002) to His Majesty *Mohammad Zahir* Former King of Afghanistan are preserved for him during his lifetime, in accordance with the provisions of this constitution.

Article 159 [Transitional Period]

(1) The period, following the adoption of this Constitution,



until the date of inauguration of the National Assembly, is deemed as a transitional period.

(2) During the transitional period, the Islamic Transitional State of Afghanistan shall carry out the following tasks:

- Issue decrees related to the election of the President, National Assembly and local councils within six months.
- Issue decrees regarding the structure and authorities of the courts and basic administration structures within one year.
- Establish an Independent Electoral Commission.
- Implement the reform of the executive and judiciary.
- Adopt necessary measures for preparing the ground for enforcement of the provisions of this Constitution.

Article 160 [Presidential Election]

(1) The first elected President takes up his or her duties within thirty days after the result of the election has been proclaimed, in accordance with this constitution.

(2) Every effort shall be made to hold the first presidential election and the parliamentary election at the same time.

(3) Until the establishment of the National Assembly, the powers of the National Assembly outlined in this constitution shall be held by the Government. The interim Supreme Court shall be established by Presidential Decree.

Article 161 [Establishing Institutions]

(1) The National Assembly shall exercise its powers immediately after its establishment in accordance with this constitution.

(2) The Government, and the Supreme Court shall be established within thirty days after the first session of the House of Representatives [*Wolesi Jirga*] is taken place.

(3) The President of the Transitional Islamic State of Afghanistan shall continue his duties until the elected President has taken up office.

(4) The executive and judicial organs of the State in accordance with provisions of paragraph 3 of Article 157 of this constitution shall continue their duties, until the formation of the



Government and the Supreme Court.

(5) The decrees enforced from the beginning of the interim period, shall be submitted to the first session of the National Assembly. These decrees are enforceable until annulment by the National Assembly.

Article 162 [Entry Into Force]

(1) This constitution enters into force upon its approval by the Grand Council [*Loya Jirga*], and will be signed and proclaimed by the President of the Transitional Islamic State of Afghanistan.

(2) Upon its enforcement, laws and decrees contrary to the provisions of this constitution are void.



Election Law

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.

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 relevant 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.

(1) 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.

(2) 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

(1) 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.

(2) Any official appointed to carry out any of the duties of an electoral official shall be ineligible for nomination as a candidate for election while he or she continues to hold such appointment.

(3) 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.

(4) 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 election.



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 and the taken actions 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:

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



2. Has Afghan citizenship at the time of registration;
3. Is not deprived of any political and civil rights by an authoritative court
4. 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. 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

(1) 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.

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

(3) Candidates shall not:

- a) Pursue objectives that are opposed to the principles of the holy religion of Islam and the word and spirit of the Constitution.
- b) Use force, or threaten with, or propagate the use of, force;
- c) Incite ethnic, linguistic, regional or religious tension and discrimination;
- d) Create real danger to the rights or freedoms of individuals or intentionally disrupt public order and security;
- e) Have non-official military forces or be part of them;
- f) Receive funds from foreign sources
- g) Receive funds from internal illegal sources

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



Election of the President:

Article 17

(1) 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.

(2) 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.

(3) 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.

(4) 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.

(2) The IEC shall allocate seats among the provinces as follows:

a. 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.

b. 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 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:



- a) Pursue objectives that are opposed to the principles of the holy religion of Islam and the word and spirit of the Constitution;
- b) Use force, or threaten with, or propagate the use of, force;
- c) Incite ethnic, linguistic, regional or religious tension and discrimination;
- d) Create a real danger to the rights or freedoms of individuals or intentionally disrupt public order and security;
- e) Have non-official military forces or be part of them;
- f) Receive funds from foreign sources
- g) Receive funds from internal illegal sources

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

(4) 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) Candidates shall not be eligible to stand for election in more than one constituency.

(3) Political party 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

(1) 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.

(2) 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

(1) 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.

(1) 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.

(2) 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.

(3) 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.

(4) 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.

(1) 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.

(2) 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.

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

(4) 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.

(5) 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.

(6) 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.

(2) 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.

(3) 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.

(4) Candidates to the provincial councils shall not:

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

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

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

d) Create a real danger to the rights or



freedoms of individuals or intentionally disrupt public order and security;

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

f) Receive funds from foreign sources

g) 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.

(3) Candidates shall not:

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

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

j) Incite ethnic, linguistic, regional or religious tension and discriminations;

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

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

m) Receive funds from foreign sources;

n) 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 cease 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

- (a) The provision of the ballot papers
- (b) Provisions for allocation of symbols and drawings to candidates
- (c) Providing a procedure whereby such ballot papers are to be marked by voters;
- (d) 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.
- (b) The manner in which ballot boxes are to be marked



and identified; and

- (c) 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 determine 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
- b. Copy of the candidate's voter registration card
- c. Political party candidates must submit copy of the party registration with the Ministry of Justice
- d. Sworn statement attesting to the candidate's date and place of birth, and citizenship
- e. Acceptance of the nomination signed by the candidate
- f. 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 candidate 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.

(7) 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:

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

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

c) Provincial council candidacy by the



copies of 300 voter registration cards

d) District council candidacy by the copies of 200 voter registration cards

e) 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 in the nomination process 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.

(1) 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

(2) 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.

(2) Voting shall be conducted in accordance with procedures published 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 at that hour 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

(1) 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, including television and radio, shall conduct its news broadcasts and other programs covering the electoral campaign in accordance with the Code of Conduct established by the IEC.

(2) 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 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 that may occur during the election campaign. Following the recommendation of the MC, the IEC may issue a public reprimand of the media involved 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:

- (a) Threatens or intimidates a voter or a candidate or causes a disturbance of the electoral process;
- (b) Prevents the presence of voters, candidates or their agents in the polling stations without due cause;
- (c) Commits fraud or cheating in voting or vote counting
- (d) Votes with and/or through a false card or through the card of another person;
- (e) Changes, replaces, steals, or destroys electoral documents;
- (f) Manufactures false cards;
- (g) Commits fraud in the voter registration card
- (h) Attempts to use a forged voter registration card;
- (i) Attempts to vote more than once;
- (j) Opens and/or breaks the padlock of a secure storage location, or the lock or seal of the ballot boxes without due authority;



(k) Impedes voters or candidates from participating in the electoral process;

(l) Makes use of funds originating in illegal activities or from foreign sources

(m) Uses insulting speech

(n) 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 in general 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.

News Report: Karzai Thanks NATO for Troops, Requests Quick Deployment; Says Afghanistan is challenged by terrorists, militias, drug trade

Istanbul, Turkey --- In giving the keynote address to the Euro-Atlantic Partnership Council at the NATO Summit June 29, Afghanistan President Hamid Karzai appealed for quicker deployment of more NATO troops in his country.

"I welcome very much your decision yesterday to send us security forces to help us with the elections," he said, but "we need security forces today in Afghanistan to provide a secure environment for elections for the Afghan people and beyond."

One June 28, NATO announced it would send more troops to the country and would establish more Provincial Reconstruction Teams but would undertake the deployment in stages, with most of the expansion occurring in the north of the country. With the nationwide election scheduled for September, NATO intends to increase its force level from 3,500 to 10,000 over the next three months.

"I would like you to please hurry ... come sooner than September and provide the Afghan men and women with a chance to vote freely without fear, without coercion," he said, explaining that his



country was challenged by terrorists, private militias and the narcotics trade.

The United States also has 20,000 troops in the country, with Operation Enduring Freedom forces seeking members of al-Qaeda and the former Taliban regime.

At the summit, NATO called upon the Afghan authorities to "energetically pursue the disarmament, demobilization, and reintegration process, and particularly the withdrawal of military units from Kabul and other urban centers." The final communiqué also noted the problem of narcotics trafficking and promised appropriate support against it.

Afghanistan is marked as the alliance's key priority. "NATO's aim is to assist in the emergence of a secure and stable Afghanistan, with a broad-based, gender-sensitive, multi-ethnic and fully representative government, integrated into the international community and cooperating with its neighbors," the communiqué states.

Karzai noted that NATO troops were making a difference with Kabul now "a very safe place for Afghanistan."



Press Briefing by Manoel de Almeida e Silva, Spokesman for the Special Representative of the Secretary-General on Afghanistan

Voter Registration Starts This Week (30 November 2004)

The registration of voters in Afghanistan will start the first week of December in eight cities: Kabul, Bamyan, Jalalabad, Kunduz, Mazar-e-Sharif, Herat, Kandahar and Gardez. As you know, this registration of voters is for the elections that are scheduled to happen next year.

Registration will start at the sites where the 19,000 district representatives of the Constitutional Loya Jirga (CLJ) will be coming to elect CLJ delegates, subject to security clearance. The teams are using this opportunity to register the district representatives and give them civic education materials about the whole process, which they can take back to their districts and villages. In Kandahar registration started today, 30 November.

What this means is that we are using the opportunity of one main process of the Bonn agenda, which is the election of the CLJ delegates that will be happening in these eight cities in the course of the coming days, to begin registration of voters for next year's election. CLJ voters will be registered and then as they go back they will promote registration and take back civic education material with them. For the general public, more sites will open as the school term ends since the registration sites are located in school buildings. In Bamyan more sites will be open already from 1 December and in Kabul from 7 December. In regions such as Jalalabad and Kandahar, where there is no winter school vacation, sites will open in other buildings. This is again subject to security clearance.

There will be separate sites for men and women to register.

Every Afghan who is eighteen or older by 20 June 2004 is



qualified to be registered as a voter. Everyone has to register in person. The registration team will check the eligibility of each person, take their photograph as well as their thumbprint or signature, and give the applicant a registration card with a distinct serial number on it. The eligibility of voters has been determined in a decree issued by President Karzai a few weeks ago.

There are several challenges facing the electoral process such as geography, cultural issues, funding from the international community and security conditions. The decision to carry out registration in a phased way will decrease the exposure of registration staff given the current security concerns. Registration teams will be accompanied by a security task force led by the Ministry of the Interior. Civic education activities are actively continuing in all eight cities, and information and materials are being distributed widely. We have some of the materials available here today.



VOTER REGISTRATION & ELECTIONS UPDATE

JEMB Announces the Final List of Eligible Candidates for Presidential Elections

By Farook Wardak, Director of JEMB Secretariat

The Joint Electoral Management Body (JEMB) announced, after thorough evaluation of the documents and consultation with the people of Afghanistan, the final list of eighteen eligible candidates, who will contest the Presidential Elections, to be held on **9 October 2004**.

This final list was made public Tuesday, August 10, 2004 following JEMB's thorough study of people's objections on nominations and consultation with relevant state institutions in order to ensure eligibility of the nominees before making a decision on declaring their candidacy.

Meanwhile, the JEMB Secretariat is pleased to inform the people of Afghanistan and the International Community on the fact that over 9.6 millions of the eligible voters have registered to date, which is a remarkable achievement in the history of the country. The Voter Registration process, which ends August 15, 2004, marks the interest of the people of Afghanistan towards peace, stability, democracy, participation in the nation building and their contribution towards global prosperity. The rate of people's participation in the Voter

Registration process conveys the people's messages that they denounce war, marginalization and terrorism.

People's participation in the voter registration is an unprecedented landmark in Afghanistan's history and gives the JEMB the mandate and a strong support in working towards transforming their hopes into reality. A free, fair, transparent, credible and



legitimate elections the results of which will be respected by the Afghan people and the international community.

It also demonstrates people's wishes to have a government that represents the nation as a whole through free, fair, transparent and legitimate elections;

A government that the Afghan people equally own; a government that is recognized by the International Community;

A government who strictly abides by the Constitution and whose instructions are equally obeyed all over Afghanistan;

A government, which can lead the country towards welfare, development and unity; and a government that can meaningfully contribute in global peace.



ASSESSMENT MISSION REPORT

FOR THE ANFREL AFGHANISTAN PRESIDENTIAL ELECTION OBSERVATION MISSION 2004

First presidential election in

Di Afganistan Islami Dawlat / Dowlat-e Eslami-ye-Afghanistan

(Islamic Republic of Afghanistan)

Project Title:	Assessment Mission for the Presidential Election Observation Program, Afghanistan Presidential Elections 2004
Project Site:	Afghanistan (2 Provinces) Kabul, Heart
Duration:	July 18 – July 28 2004
Mission members:	Herizal Hazri, Somsri Hananuntasuk and Tim Meisburger
Executing Agencies:	Asian Network for Free Elections (ANFREL) 109 Suthisarn Winichai Road Samsen Nok, Huay Kwang



Bangkok 10320 Thailand

Objectives of the Observation Mission

- Evaluate and report on election process
- Build indigenous capacity for election monitoring
- Build ownership of the election process by Afghan people

Long-term Observation Mission

There will be 16 LTOs recruited for this mission (eight men and eight women). The LTOs will arrive in Afghanistan on September 10, and will remain in country until approximately October 15 (thirty-five days). They will be trained from the 11th to the 13th, and will deploy on the 14th and 15th. One team of two observers (one man and one woman) will be deployed to each of the eight UN administrative regions (see attached map).

Each LTO team will be equipped with one Thuria satellite phone and two handphones. Logistics support and security advice will be provided by the Global Risk Strategies teams based in each region. Global will assist with the identification of suitable accommodations, interpreters (one man and one woman), and rental cars, but the LTO teams will be responsible for paying for these services.

The LTOs will evaluate the pre-election environment in the region, and will prepare for the arrival of the STOs. The LTOs will arrange and provide briefings for the STOs, will select (in consultation with Global) the provincial deployment sites for STOs, and will manage the combined regional observation teams. They will also liaise with other observers based in the region to share information and



coordinate deployment.

Short-term Observation Mission

There will be 32 STOs for this mission (sixteen men and sixteen women). They will arrive in Afghanistan on October 3 and depart on October 13 (ten days). They will be briefed on the 4th and 5th and will depart for regional centers on the sixth. If security conditions allow, they will then deploy from the regional centers to provincial capitals in the region to observe the final day of campaigning and the polling and counting processes.

Each STO team will be equipped with one Thuria satellite phone and two hand phones. Logistics support and security advice will be provided by the regional LTO team and the Global Risk Strategies teams based in each province. The LTO teams, in consultation with Global, will identify suitable accommodations in each province, hire interpreters (one man and one woman), and rent cars for the STO teams.

The STOs will evaluate the pre-election environment in the province. They will meet with local election and political party officials and NGOs. STOs will also liaise with other observers based in the province to share information and coordinate deployment.

Press Conference and Report

After the election the observers will return to Kabul for a debriefing. Based on the results of the debriefing, and the weekly reports submitted by the LTOs, ANFREL will prepare a press statement that will be released at a press conference tentatively scheduled for October 13. ANFREL will also prepare a comprehensive report on the election that will include recommendations.



The Gender Issue in Afghanistan

For cultural reasons, in Afghanistan men and women have little direct interaction outside the family. Consequently, in order to effectively evaluate the electoral environment and political process for each sex, ANFREL has decided to deploy observers in mixed gender teams. To facilitate access and effective communication, each observer will have a counterpart interpreter of the same gender.

Security

Ensuring the security of observers is ANFREL's number one priority. Security advice and support in the provinces and Kabul will be provided by Global Risk Strategies, TAF's security consultant. Global will also provide briefings on security, communication procedure, and the use of satellite phones for incoming observers and staff. The Global liaison officer stationed at TAF is Nick Higgins and his phone number is 07 933 5453. Some security advice from Global is listed below.

- In the provinces make it a habit not to travel till eight, and try to be in by five.
- Stay away from ISAF convoys or troops, as they could be a potential target.
- Celebratory gunfire is uncommon in major towns, so if you hear gunfire, don't ignore it. Report it to your provincial Global liaison officer.
- Check points manned by local soldiers with AK-47s are common in Kabul. They should not cause concern, as their presence increases security.



Notes from Meetings

The Taliban are still present in the south and southeast. Seems that Hekmetyer is against election. Neither Hekmetyer or Taliban are very popular, and getting less so. They want to disrupt the elections if they can, but neither have used Islamic rhetoric to condemn the elections and democracy, they use nationalism and political arguments. Zabul is the province with the most trouble (people are afraid to carry their registration cards there). Many Wahabi in Kunar. Informal campaigning has already begun in some areas. In Herat, lack of political space, repressive environment, control of media by Govt. Difficult to reach people through the media.

Out of Country Voting

For the ANFREL's Presidential Election Observation Mission to Afghanistan 2004, there will be two short term observers to be deployed to observe out-of-country election processes in Pakistan. These two short term observers are from ANFREL's network member in Pakistan. In the same context of the gender balance of the whole observation mission, the ANFREL's out-of-country observation mission consists of one male and one female observer.

Mainly, their mission is to observe the election administration in the refugee camps bordering Afghanistan. One added element that the observers will observe is the support given by the host country for Afghanistan elections. Despite this, they will also gather information on other dimensions of election observation mission, the same as what other Short Term Observers are trained to do. The observers are also expected to understand the basic standard of which the election was organized and how much this has supported the Afghanistan Presidential Election in general.

An important element which the short term observers in Pakistan will not include as part of its mission is building capacity for civil society organization related to democracy and election



observation programs in the places where they observed. This is different than what most of the observers in Afghanistan are encouraged to do.

Out of country observers will be trained together with other Short Term Observers before deployment. They will also follow other procedures as other Short Term Observers will, depending on the suitability of their mission.

Other International Observers

Japan will bring 29 observers (further confirmation needed)

EU will bring 25 technical assistance providers. Two teams per region, plus one Kabul team. EU mission is called Democracy and Election Support Mission.

Election Notes

There will be approximately 5000 polling centers, each with an average of 5 polling stations. The planning figure for polling stations is 600 voters, meaning that each polling center may serve 3000 voters (in a country of low population density will this mean that some voters have to travel long distances to reach a polling center)

Candidates must get photocopies of 10,000 voter cards to qualify to run for President.

There has been no public consultation or input during development of laws and procedures (no mechanism for consultation or input).

Mitigating Circumstances – Election organizers under time pressure and operating in an environment of questionable security. Primary objective is conflict mitigation and prevention and encouragement of stability, rather than democratization.



Presses are reporting that there are some people with 20-30 registration cards. There seems to be nothing to prevent people from multiple registration, just to get an extra photo.



Voter Registration & Elections Update 013/ 14 August 2004

Press Release

Announcement of Candidates for 9 October 2004 Presidential Election

The Joint Electoral Management Body is pleased to announce today the names of candidates eligible to contest the 9 October 2004 Presidential election.

The nomination process for this historic election began on 10 July, when the JEMB opened the nominations period. Thirty-three individuals requested nomination forms during the nominations period, which ended on 26 July. As we announced following the close of the nominations period, 23 candidates filed their nomination papers prior to that deadline.

We also announced at that time the opening of a period for public objections which ended on 31 July. During that period, the JEMB received 115 objections in respect of 11 candidates to president or vice president.

The JEMB, after examining the candidates' nomination papers, decided on 2 August that three of them were to be rejected for failure to comply with the nomination procedures. The JEMB then began a process of reviewing the public's objections and verifying eligibility in accordance with the criteria established in the Constitution and the Electoral Law. We asked the Supreme Court whether any of the candidates 'have been convicted of crimes against humanity, a criminal act or deprivation of civil rights by the court' (Article 62 of the Constitution), which would have disqualified them from contesting the election. We also asked the Ministry of Interior, the Ministry of Defense, and the National Security Directorate about links between candidates and unofficial military units. We sought information from diplomatic



missions and the Ministry of Foreign Affairs as to whether any of the candidates held dual citizenship. And we asked the Ministry of Finance if there was any evidence that any of the candidates was receiving funds from foreign or illegal sources.

In accordance with the nomination procedures established under the Electoral Law, we also presented the public's objections to the candidates – after removing the names of the objectors -- and asked for their responses.

While none of the complaints received by the JEMB was accompanied by proof of the alleged actions, and therefore could not be the basis for the JEMB to disqualify any of the candidates from the election, the sheer quantity of the objections led us to conclude that it would be remiss of us to disregard them. Consequently, we sent additional letters to several of the ministries already mentioned, inquiring about specific objections raised by members of the public.

In particular, we took note of the numerous objections regarding three candidates viewed as having unofficial military units, and we asked those candidates to state whether or not they would endorse the immediate replacement of the commanders of the units cited in the objections; all three agreed to this immediate replacement of commanders in those units by professional officers of the Afghan National Army.

On 9 August, two candidates, Mr. Safdar Sadiqi and Mr. Mohammad Alim [Haleem] Tanwir, withdrew their candidacies, leaving 18 candidates.

After extensive deliberations, and mindful of the Constitutional provision that says that no person shall be deemed guilty without having had the opportunity to defend himself in a duly constituted court of law, the JEMB has concluded that the remaining candidates should be presented to the voters of Afghanistan as



candidates for the offices of President and Vice President.

We believe that the voters will demonstrate their wisdom on Election Day, and we encourage them to inform themselves about the candidates' records, their proposals, and their character during the period between now and then.



Asian Network for Free Elections

Statement on the Afghanistan Presidential Election

ANFREL congratulates the people of Afghanistan for taking part in large numbers in a peaceful election that represents an important step forward on the road of self-determination. The high turnout of voters in polling stations observed by ANFREL indicates the enthusiasm of the Afghan people to play a role in choosing the leaders of their country. ANFREL salutes the Afghan people for braving threats to personal security, and for expressing their rejection of violence by coming out to vote. ANFREL notes the valuable contribution made by Afghan and international security forces in ensuring that the election could be conducted in an organized and peaceful manner.

The outcome of the election should be respected, though a variety of problems arose with the supply and application of indelible ink. The issues with the application of the indelible ink are compounded by problems with multiple cards being issued to individuals during the registration period. ANFREL has so far seen no substantial evidence of widespread double voting due to this problem, but ANFREL calls on the Joint Electoral Management Body (JEMB) to complete a thorough investigation of the issue. ANFREL requests in the strongest terms that the JEMB take responsibility for the problems encountered prior to and on election day, and that it take quick, decisive and impartial action based on the conclusion of its investigation to ensure



that the problems are not repeated.

Education of voters and training of polling station staff should be improved to avoid confusion in the polling process by both voters and polling staff. ANFREL has not observed visible signs of intimidation or coercion, though ANFREL observers noted the presence of armed persons within polling centers and observed campaign activity in some polling stations. ANFREL calls upon all parties to play a constructive role in the official procedures for handling any complaints made by candidate and party agents or by domestic observation groups.

ANFREL deployed 32 observers in 9 provinces of Afghanistan, including six regional centers, and visited 136 polling centers. ANFREL also deployed 4 observers in Pakistan and 6 in Iran to observe out-of-country voting. Observers in the ANFREL team came from 10 countries around Asia. The ANFREL observer mission was supported by The Asia Foundation, with funding from the U.S. Agency for International Development, and by the British Government.

ANFREL will provide a detailed set of recommendations to the JEMB, based on specific observations, and will release publicly a full report on its observation mission for the 2004 Afghanistan Presidential Election, including observations from the pre-election and post-election periods. For more information on this observation mission, please contact the ANFREL mission coordinator, Mr. Herizal Hazri (+93-79-321-349, or herizal@hotmail.com). More information on ANFREL can be found at: www.forumasia.org/anfrel

11 October 2004



Asian Network for Free Elections

ANFREL Calls for Further Efforts to Strengthen Democratization and Integrity of Elections in Afghanistan

Nearing the end of its seven-week observation of the 2004 Afghanistan Presidential Election, the Asian Network for Free Elections (ANFREL) would like to express its deepest gratitude for the Afghan people's warm welcome and acceptance of the presence of international observers. The kind assistance of the Joint Electoral Management Body (JEMB) in providing accreditation to ANFREL observers is also vital and highly appreciated.

In addition, ANFREL would like to applaud Afghanistan's generally peaceful elections and high voter turnout on October 9, 2004. ANFREL acknowledges the enthusiasm of the Afghan people in supporting the democratization of their nation by turning up to cast their ballots to determine the future leadership of the country.

Based on lessons learned over the course of 14 previous election observation missions across Asia, combined with its findings during the pre-election period, polling and post-election period



in Afghanistan, ANFREL has generated a set of specific recommendations in the hope of improving future electoral iterations in Afghanistan, in particular next year's national assembly contest. ANFREL sincerely hopes that all stakeholders of Afghanistan's elections, including the JEMB and UNAMA, relevant institutions and civil society of the country, will carefully consider the mission's suggestions in order to improve Afghanistan's electoral system and voting procedures. ANFREL believes the presidential election was run in an acceptable manner and that the conduct of the polling was generally sound; however ANFREL would like to make the following initial recommendations:

Primary Recommendations:

1) The current system of voter registration raised questions of multiple registrations which caused serious doubt among the Afghan electorate. These doubts about the system caused concern among voters when news spread that the indelible ink was either not properly applied or dysfunctional. A prudent review of both the registration system and supply of the indelible ink must be immediately conducted. This is vital in preventing registration of ineligible people and multiple voting, and will make all the funds expended on registration more effective. Additionally, an independent review of the system would enhance voters' confidence in the electoral process. ANFREL recommends a voter census program to be jointly carried out by central government agencies and local community administration, as well as door-to-door data gathering to enhance voter registration accuracy. This can also minimize the allegations of under-age voter registration.

2) The training of election officers for the 2004 Presidential Election was insufficient. Adequate training of election officers must be conducted prior to future elections. Training of polling officers plays a very important role in enhancing the transparency of the electoral process. ANFREL acknowledges the



efforts of all relevant parties to train the polling officers for the presidential elections. Nevertheless, a comprehensive program to enhance polling officers' capacity to manage polling centers should be considered. ANFREL believes that the lessons learned in this area from this election can be used for the improvement of future elections. In organizing a rather more complicated election next year, ANFREL recommends more time and effort be expended to recruit and train the polling officers. Proper and timely recruitment and training should ensure that election officials possess a clear understanding of their duties at each step of the polling and counting processes. One specific indication of insufficient training observed by ANFREL was the failure on the part of polling staff at many stations to check voters' fingers for indelible ink before allowing them to enter the polling station. To assure the transparency of the elections and prevent multiple voting, the significance of this ink-checking procedure must be explained clearly to all election officers and voters. ANFREL observed many cases in which polling officers were confused about the correct ink to use to mark the voters' thumbs. This problem, compounded with the failure or misuse of some of the indelible ink markers, caused serious concern among some voters about the management of the 2004 Afghanistan Presidential Election.

3) Political parties were largely inactive in carrying out campaigning for the presidential election. Voters of the 2004 presidential election were generally unaware of the range or views of political parties or candidates, the understanding of which is the basis for decision making on polling day. ANFREL recommends the JEMB take the lead in providing additional support for the education of political parties and candidates.

4) In addition, ANFREL notes a great need for improvement in voter education. In order to enhance voters' knowledge of genuine democracy and help them make informed decisions, ANFREL calls for all stakeholders of the Afghanistan elections, including JEMB and UNAMA, civil society of Afghanistan and the



international community, to enhance programs that assist voters in understanding that democratization cannot be complete without their ability to make informed decisions on polling day.

ANFREL deployed 32 observers in 9 provinces of Afghanistan, including six regional centers, and visited 136 polling centers. ANFREL also deployed 4 observers in Pakistan and 6 in Iran to observe out-of-country voting. Observers in the ANFREL team came from 10 countries around Asia. The ANFREL observer mission was supported by The Asia Foundation, with funding from the U.S. Agency for International Development, and by the British Government.

Formed in 1997 and based in Bangkok, ANFREL serves as a regional network of Asian election observation and human rights organizations with a clear mandate to promote regional democratization. ANFREL has observed elections in Thailand, East Timor, Indonesia, Pakistan, Cambodia, Malaysia, Bangladesh, the Philippines, Nepal, Hong Kong, India, Sri Lanka, Japan and Taiwan.

12 October 2004

**STO Schedule**

Short Term Observer Mission Schedule 2nd – 13th October, 2004	
30 st September	Arrive Islamabad/Pakistan To change the flight and wait for other STOs to apply visa
1 st or 2 nd October	Arrive Kabul/Visit TAF/JEMBS
3 rd -4 st October	Briefing
5 st October	Deployment
6 st October	Visit local organizations and observe the campaign process
7 th - 8 th October	Quiet day Continue interview voters and local leaders
9 st October	POLLING Day
10 th October	Counting Day
11 st October	Sending report and return to Kabul
12 st October	De-briefing
13 th October	Departure (Press Conference for LTO)



List of Deployment in Afghanistan, Iran, Pakistan
Afghanistan Presidential Election Observation Mission 2004

Region	Nationality	Name of STO	No
Bamyan	Thailand	Ms. Somsri Hananuntasuk	1
	Sri Lankan	Mr. Ranjith Neethisara Mendis	2
	Malaysian	Ms. Intan Rafiza Binti Abu Bakar	3
	Sri Lankan	Mr. Reginald Mahinda	4
	Thai	Ms. Laddawan Tantivitayapitak	5
	Malaysian	Mr. Ahmad Zakki Bin Amran	6
Kunduz	Nepal	Mr. Hamid Ansari	7
	Malaysian	Ms. Yuriahis	8
	Thai	Mr. Pongsak Chanon	9
Mazar-e-sharif	Malaysian	Mr. Abdul Malek Bin Hussin	10
	Sri Lankan	Ms. Rathnayaka Uyanwatte Mahida Senavi	11
	Malaysian	Ms. Nor-Alimah Binti Rahman	12
	Thai	Mr. Rakchat Chatchawan	13
Kabul	Philippines	Ms. Niza Conception	14
	Thai	Mr. Gothom Arya	15
	Thai	Ms. Jareerat Sae Ong (Nurse)	16
	Indonesian	Ms. Sri Sugiarti	17
	Indonesian	Ms. Dhyana Paramita	18
	Thai	Dr. Chat Jan Ngarm (Medical Doctor)	19

**Deployment in Pakistan**

Deployment	Nationality	Name	No
Peshawar	Pakistan	Mr. Aimal Khan	21
Peshawar	Malaysian	Ms. Mariah Binti Suhaimi	22
Quetta	Pakistan	Ms. Anila Naheed	23
Quetta	Malaysian	Mr. Amin Shah Bin Iskandar	24

Deployment in Iran

Deployment	Nationality	Name	No
Tehran & Qom	Japan	Mr. Naoto Sakaguchi	25
	Indonesian	Ms. Miranti	26
	Indian	Mr. Tenzing Paljor	27
	Japan	Ms. Masako Saito	28
	Japan	Mr. Yoshimura	29
	Malaysian	Mr. Muhammad Zaidi Bin Din	30



LTO's Deployment list			
1	Ms. Mary Agnes James (LTO)	Malaysian	Kabul
2	Mr. Hanif Zuhdi bin Mahmud Pathi(LTO)	Malaysian	Bamyan
3	Mr. Rasidan bin Muhamad Ramly(LTO)	Malaysian	Kabul
4	Ms. Hasnah binti Hashim(LTO)	Malaysian	Bamyan
5	Ms. Rohana binti Ali(LTO)	Malaysian	Jalalabad
6	Mr. Md. Abdur Rahman(LTO)	Bangladesh	Mazar-e-sharif
7	Mr. Engelbert Yohannes Rohi (LTO)	Indonesian	Kandahar
8	Mr. Supriadi (LTO)	Indonesian	Kabul
9	Ms. Sri Lestari Kadariah. (LTO)	Indonesian	Kunduz
10	Ms. Mabel Au Mei Po (LTO)	Hong Kong	Kabul
11	Ms. Lalaine Mafril Apugan (LTO)	Philippines	Kabul
12	Mr. James Javier Olabre (LTO)	Philippines	Kunduz
13	Mr. Mahinda Reginald Roobert Hattaka (LTO)	Sri Lankan	Jalalabad
14	Ms.Hettiwattage Sumana Ariyadas (LTO)	Sri Lankan	Mazar-e-sharif



POLLING DAY OBSERVATION			
Polling Center and Polling Station visited			
Region	Province	PC visited	PS observed
Central	Kabul	26	100
Central Highlands	Bamyan	5	22
	Waras	6	21
	Panjal	3	15
East	Jalalabad	17	
North	Balkh-Jawjan	19	60
	Balkh-Samangan	17	65
Northeast	Panshir	7	54
	Faizabad	11	39
	Kunduz	11	20
South	Kandahar	8	
AFGHANISTAN		130	396
IRAN	Tehran	12	146
PAKISTAN	Quetta & Peshawar	13	35
TOTAL		155	577



ANFREL short-term observer and coordinator were on the talk show of Pakistan's TV program in Islamabad.



South China Morning Post

1 November 2004, Page 3

Afghan election observer had no fears for her safety

Ravina Shamdasani

A Hong Kong woman who returned home last week after working as an observer during Afghanistan's election said she did not fear for her safety when she was there and understood the frustration of some militant groups.

Mable Au Mei-po's comments came as a breakaway Taleban group holding three United Nations workers hostage yesterday threatened to kill them unless foreign troops and the UN left Afghanistan in three days.

The three-British-Irish woman Annetta Flanign, Kosovar Shqipe Habibi and Filipino Angelito Nayan were employed by the UN to over see the October 9

presidential election. They were kidnapped from their vehicle in Kabul last Thursday.

Ms. Au, a 36-year-old activist who was stationed in Kabul, said she and not met the three UN workers during her five weeks in the country as and observer for the Asian Network for Free Elections.

She was originally assigned to Heart in the northwest, but was sent to Kabul after backers of the deposed Heart governor burned and looted the UN offices in mid-September. Day before she was due to go.

"These the kidnappers are desperate people trying to make some noise and an international kidnapping could help them make some



noise,” she said

A veteran women’s rights activist, Ms Au was sent to focus on gender aspects of the elections.

She said she had the impression Asians were less likely to be targeted than westerners.

Despite the danger, Ms. Au said it was inspiring to see people lining up at 7.30am on election day to cast their ballots. Most of the women showed up in full burgas and proudly lifted their veils to be photographed holding their registration card. Other women wanted to vote but could not because the men in their families believed they should not be photographed.

“We went to some slum areas and more rural areas to interview women and a lot of them were supportive of the

process but did not know how to vote or were not allowed to leave their villages to vote,” Ms. Au says.

“One group of women said they supported President Hamid Karzai, but they did not have registration cards and believed they would win because they prayed for his victory every day. It seemed they did not understand that you actually have to put the ballot in the ballot box to make your vote count.”

Ms. Au says she used to tell the people in Afghanistan that they were “more advanced than us” because they could elect their leader by universal suffrage while Hong Kong people were still struggling for that right.

**Results Summary**

Afghanistan: October 9, 2004 Presidential Election			
Registered Voters:	9,716,413		
Votes Cast:	8,128,940	83.66% of registered voters	
Valid Votes:	8,024,536	98.72% of votes cast	
Invalid Votes:	104,404	1.28% of votes cast	
CANDIDATES	PARTY	TOTAL VALID VOTES	% [OF VALID VOTES]
Hamid KARZAI	Independent	4,443,029	55.37%
Mohammad Yunus QANUNI	National Liberation Front (FLN)	1,306,503	16.28%
Hahi Mohammad MOHAQIQ	Independent	935,325	11.66%
Abdul Rashid DOSTUM	Independent	804,861	10.03%
Abdul Latif	National	110,160	1.37%



PIDRAM	Congress Party of Afghanistan		
Masooda JALAL	Independent	91,415	1.14%
Sayed Ashaq GILANI	National Solidarity Movement of Afghanistan	80,081	1.00%
Ahmad Shah AHMADZAI	Independent	60,199	0.75%
Abdul Satar SIRAT	Independent	30,201	0.38%
Homayoon Shah AASIFI	Independent	26,224	0.33%
Ghulam Farooq NEJRABI	Afghanistan Independence Party	24,232	0.30%
Sayed Abdul Hadi DABIR	Independent	24,057	0.30%
Abdul Hafiz MANSOOR	Independent	19,728	0.25%
Abdul Hadi KHALILZAI	Independent	18,082	0.23%
Mir Mahfuz NEDAHI	Independent	16,054	0.20%
Mohammad Abraham RASHID	Independent	14,242	0.18%
Wakil MANGAL	Independent	11,770	0.15%
Abdul Hasib AARIAN	Independent	8,373	0.10%



Asian Network for Free Elections

Afghan Presidential Election

Information from IFES ([Election guide.org](http://Electionguide.org))