



Islamic Republic of Afghanistan
Independent Election Commission

Procedure on Verification of Mass Media Infringements and Violations during the Electoral Processes

Basis

Article One:

This procedure is enacted based on Article (66) of Electoral Law by IEC to verify mass media violations and infringements during the Electoral Processes.

Objectives

Article Two:

- **To verify overall mass media infringements, violations and complaints submitted through natural and legal entities.**
- **To ensure credibility and transparency of Electoral Processes.**

Terms

Article Three:

These terms convey the following concepts:

1. **IEC Media Commission: The Electoral Media Commission was established temporary by IEC in conformity to Article (60) of Electoral Law for monitoring reports, fair broadcasting of Electoral Campaigns and verification of complaints subjected to mass media,**
2. **Mass Media: Means of electrical or press messages and information dissemination through government or non-government medias,**

3. **Executive Measures:** To guarantee the implementation of this procedure containing dissemination of Decisions, Accreditations, Warning Letters, Correction Instructions, Monetary Penalties up to AFG 500000 or to refer the violated institutions to the court,
4. **Violations:** To violate media principles, Electoral Law and other procedures and legal documents approved by IEC MC.
5. **Infringements:** To act or not act contrary to the provision of Electoral Law and this procedure,
6. **Warning Letters:** IEC MC will issue official letters to media institutions in case of violations in opposition to Electoral Law or MC procedures as to make correction and to prohibit from reiteration of violated actions,
7. **Correction Orders:** Issuance of orders as to make correction on the subjects contrary to Electoral Law or this procedure.
8. **Monetary Penalties:** Issuance of financial penalties subjected to violated entities for depositing the charging amount to government bank account assigned by IEC.

Media Infringements and Violations

Article Four:

The following matters are considered media infringements and violations:

1. To violate the requirements mentioned in Electoral Law (59),
2. Dissemination of articles or information in which peoples' mind may be harmed,
3. Dissemination or broadcasting articles or subjects that may cause threat to candidates' personal frontage,
4. Dissemination of unfair, imbalanced and impartial reports,
5. Dissemination or publication of rumor that may change public mind,
6. Acting contrary to MC decisions,
7. Dissemination or broadcasting reports from unidentified sources,
8. Provision of information or reports during Electoral Processes through the media, which has not been accredited by IEC
9. Broadcasting candidates' Electoral Campaigns prior to official period assigned by IEC,
10. Broadcasting candidates' platform, objectives and policies in favor of respective candidates during the Silent Period,
11. Any candidates who is working as an announcer or in charge of round table in mass media or working as an administrative staff in Wolsi Jirga in which he/she works in favor of him/herself,
12. Or the other conditions or matters considered media violation.

Process of Verifying Complaints

Article Five:

Complaints can be filled as following:

- 1. Complaint forms to be filled subjected to challenges through legal or natural entities,**
- 2. The received complaints to be inserted in Complaint Registration Book,**
- 3. Complaints will be verified or identified whether verification of the complaint can be done within the scope of MC given authorities,**
- 4. Complaints accuracy and importance will be verified,**
- 5. Complaints investigation will be initiated to seek the mentioned facts,**
- 6. The MC Legal Body is required to:**
 - a. To call both sides for discussion regarding the inserted data in complaint or complaints,**
 - b. To execute the enforced provisions of Law and IEC approved documents as to seek solution for the complaint.**
- 7. In order to verify the complaint, the MC Legal Body will establish a Hearing Conference,**
- 8. In case of need, the Legal Body may ask Media Monitoring Unit to provide relevant documents as to ease the investigation process,**
- 9. Complaints and final consequence of investigations will be referred to MC for making decisions,**
- 10. Complaints, then submitted to Legal Body for further investigations, and**
- 11. Finally, MC declares the final decision to involved individuals.**

Individual and Institution Co-operations

Article Six:

It is worth to be mentioned that government, non-government institutions and individuals' cooperation are asset to MC in pursuant to Article (6) of Electoral Law and to respect the decisions made within the scope of MC's authorities.

Executive Measures

Article Seven:

In case of violations or infringements seriousness, the MC shall make decision as following:

- 1. Issuance of warning letters to violators for correction,**
- 2. Submission of request on issuance of accreditation of violated media by MC to IEC ,**
- 3. Issuance of instructions to broadcast the decision made by MC, through violated media,**
- 4. Commit the violated media for paying penalties up to AFG 500 000,**
- 5. Refer the violated natural or legal entities to the court for further investigations.**

Amendments

Article Eight:

In case of need, the MC is authorized to request IEC for making amendments in this procedure.

Take into Force

Article Nine:

This regulation is taken into force on the date of approval by IEC