



Islamic Republic of Afghanistan
Independent Election Commission

Procedure on Verifying Challenges and Complaints in Relation to Correcting Preliminary Results of 2010 Wolesi Jirga Elections

Basis:

This procedure has been codified to explain an approach for processing and verifying challenges and complaints with regard to correcting the preliminary results of Wolesi Jirga elections after their announcement under article (4) of procedure on challenges and complaints.

Challenge and Complaints

1. All citizens eligible to vote, candidates and agents may present their complaints to the IEC along with supporting evidence on violating the Electoral Law or any other documents approved by the Commission in relation to correcting the preliminary results.

When and Where to File Challenges and Complaints

- Challenge and complaints may be filed before and after announcing preliminary results of elections
- A complaint may be filed with every provincial office of the IEC as well as with its HQ in Kabul
- Complaints shall be filed on a complaint form. Written complaints without a complaint form shall be considered reliable by the IEC.
- Documents related to the complaints will remain to be part of office documents after filing the complaint.
- Supporting evidence shall be attached to the complaint
- If the complaint is invalid, it shall be kept after the instruction of the secretariat
- If there is sufficient document supporting the complaint, the person votes of whom has been challenged or a complaint made against it, is permitted to defend. These documents and evidence include valid papers.
- The information provided during investigating the complaints, shall not be shared with other candidates.

Filing Complaints

A complaint must include the following information:

- Name of province
- Name of complainant
- Number of candidate
- Phone number of complainant
- Name of person against whom a complaint has been made
- Documents and evidence in relation to the complaint

Time for Complaint

A complaint may be filed with the IEC before and after announcing preliminary results within 72 hour.

Approach for Investigation of Complaints and Challenges:

Stage 1:

- Filing a complaint with the IEC by putting down the name, signature or thumb print of the plaintiff
- Referring the complaint officially to the Legal Department through the secretariat
- Ensuring that the complaint includes all required information, document and evidence
- Investigating the complaint and all documents and evidence attached to it considering the lawful and legal aspects by Legal Department

Stage 2

- The documents, which have been challenged, shall be reconciled at HQ level with all reliable documents existing at the Commission.

Stage 3

- If there is difference between documents submitted by the complainant and those exist at the archive, copies of result forms which are inside the ballot boxes shall be requested from related province.
- If the result form does not exist in the ballot box, the ballots exist inside the ballot box; shall be recounted by Field Operation Department in presence of a representative of the ECC and agents after decision of the Commission.

Stage 4

- Consolidating opinions of the Legal Department with regard to the presented complaint
- Recommendation of Legal Department for further instruction to the Commission through the secretariat given careful investigations
- Archiving all documents related to the complaints inside separate files from the first stage up to issuing an instruction
- ❖ Under this procedure, the IEC Legal Department may, after permission of the Commission, investigate suspicious cases without any complaint

Entry into Force

This procedure shall be entered into force after approval of the Commission.