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بنیاد انتخابات ازاد و عادلانه افغانستان

**Free & fair Election Foundation
of Afghanistan**

Free and Fair Election Foundation of Afghanistan's

GENERAL REPORT

ON

2005 Wolesi Jirga and Provincial Council Elections

In Afghanistan



18 September 2005

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Remarks of the Chairman of Free and Fair Election Foundation of Afghanistan

This report is being published at a time when the Parliamentary and Provincial Councils Elections have been held successfully in the country and its final results have been declared.

The aforesaid elections were a major step towards institutionalization of democracy and realization of “people’s government by our people”; nevertheless, keeping the numerous challenges in view, without participation of hundreds of thousands of the courageous, devoted and committed men and women and their active part in organizing and voting in the process; it would have been impossible to organize such elections, as a large and significant national project.

Improvement of transparency of the process, abiding by the electoral laws and avoiding violations and frauds during the elections are indebted to the day and night observation activities accomplished by thousands of the national observers and journalists, who jeopardizing their lives and exhibiting courage for holding free, fair, true and impartial elections accomplished the observation process.

This report is the result of observation and sincere accomplishment of the activities of more than seven thousand patriotic volunteers of FEFA from all over the country and in more than 200 districts, and not only does the credit go to FEFA’s courageous and loyal observers but also it is a great achievement of Afghanistan’s civic society.

I hope this report can help in identifying the problems and deficiencies, reforming and reinforcing country’s electoral system; in addition, it can be a tool to improve the level of awareness of the people and their political participation and reinforce their trust in the transparent and democratic processes.

Inshallah

*Ahmad Nader “Nadery”,
Chairman,
Free and fair Election Foundation of Afghanistan*

Introduction

Following the implementation of some other national processes, our country, with the help of the peace-loving nations of the world, has now opened, after a long period of anticipation, a new chapter in its history. By setting to re-establish our National Assembly, one of the major pillars in any democratic system, we have fulfilled one of the most severely felt needs in our society. With the conduct of the Wolesi Jirga (WJ) and Provincial Council (PC) elections, our country has taken a positive step towards the consolidation of the peace process and the institutionalization of democracy, a requirement for any prosperous and lawful society. The conduct of these elections is, without doubt, an indication of the country's solid move towards the rule of law.

The holding of the elections marked the end of the Bonn Agreement and the Transitional Period. However, it also represents the start of a tortuous new road to a brighter future, which we will achieve as long as we remain strongly committed to the rule of law.

Active participation of the Afghan people in the election process as voters and candidates is a clear sign that they have fulfilled their national duty vis-à-vis their country and people. This enthusiastic participation of the public in national processes will certainly add to the legitimacy of the latter and consolidate the foundations of democracy in the country.

Experience shows that the conduct of such elections in countries that have just emerged from years of war and disunity, like Afghanistan, is accompanied, at the beginning, with certain problems and challenges, including electoral offenses, legal shortcomings, lack of awareness about the process, poor election management, seat allocation, financial issues, the choice of an appropriate election system, etc. As a result, elections may not be perceived well by the public, or their results may not be to the taste of some of the contestants, as in all elections there would be both winners and losers.

Having said the above, it is important not to get disillusioned by these elections. Rather, one should think of how to improve things in the future by strengthening one's participation in a fashion that would lead to a more free-and-fair electoral process free of any form of fraud.

During the two recently held electoral processes, Afghans have clearly showed that they are truly interested in consolidating the pillars of democracy in the country. They have sent a strong signal that they are weary of war and relentless struggle for power. They not only did a wonderful job as voters and candidates, but also closely monitored the elections to ensure their transparency.

As a popular institution which gained its first observation experience during the 2004 Presidential Elections, and as an institution which deeply believes in, and is committed to, the promotion of democracy in the country, the FEFA decided to

observe the 2005 WJ and PC elections. We also decided to expand our observation mission to cover more parts of the country and to draw on the experience we had gained from monitoring the Presidential Elections. This time, the FEFA observed polling in 65% of the polling facilities, and managed to undertake a complete observation of the counting and elections within the 34 provincial councils to elect their representatives for the Mesherano Jirga (the Upper House of the National Assembly). Additionally, it observed the voter registration process as well as election campaign period, details of which would be presented later in the report.

Following its observation of the Presidential Elections, the FEFA presented some recommendations to the relevant authorities, which fortunately produced positive results. For example, the establishment of the Electoral Complaints Commission as an independent body adjudicating electoral complaints and challenges, the amendment of some electoral rules and procedures, and some other improvements which manifested themselves during the WJ and PC elections can be deemed as part of the successes of the FEFA in strengthening and improving electoral processes based on the lessons learned from the presidential elections.

During the WJ and PC elections, the FEFA was regularly in contact with the Joint Electoral Management Body, raising its concerns through numerous meetings with election officials and drawing their attention to the challenging issues. It also published statements and reports at appropriate points during the electoral process. For instance, on the polling day, the FEFA issued two press releases, making public the highlights of its monitoring and observation activities.¹ It is worth noting that this time the FEFA tried to prevent the offenses on the spot and therefore strived to bring, as soon as possible, the issues, along with the relevant documents, to the attention of both field election staff and election management at the HQ level, asking them to address the concerned issues on a timely manner. This proved effective during our observation activity.

The FEFA would herewith like to present its comprehensive analytical report on the 2005 WJ and PC elections in Afghanistan. Intended for public information, the report reflects on the different stages and events of the electoral process, describes the activities of the FEFA, and introduces the agencies that have been a member of, or have otherwise collaborated with the FEFA. The report also presents solutions and recommendations for improving future electoral processes. It is our hope that having read this report, our fellow citizens would acquire a better understanding of the aforementioned electoral processes and pass a better judgment on them in the light of the information contained herein. We also look forward to receiving constructive views and recommendations from the readers of the report on how to help strengthen and improve the upcoming electoral processes. We strongly believe that your views would also help us achieve our goals in a better fashion.

¹ All FEFA's statements and reports issued during the electoral process are attached to this report.

1) Acknowledgements

▪ **Observers**

As cited in the foreword, the Free and Fair Election Foundation of Afghanistan is an independent civil society organization that has observed both presidential and national assembly elections in an impartial manner. The major players during both observation exercises were the very individual observers who represented the Afghan public and acted as the watchful eyes of the people, as symbolized by the symbol of the FEFA, and who observed the elections with commendable commitment and impartiality.

The FEFA appreciates their commitment to the consolidation and strengthening of the peace process and is grateful for their voluntary presence and participation in monitoring the elections in an impartial manner in the face of numerous challenges. The FEFA believes that their participation added to the credit and legitimacy of these national processes, and, while wishing them every success in their future endeavors in rebuilding our country, remains hopeful that they will keep in touch and assist this Foundation in its future missions. We believe they are indispensable to the FEFA.

Likewise, the FEFA would like to extend its sincere gratitude to other observer organizations, especially to the international ones, which assisted the Afghan people in promoting the process of peace and democracy in the country and hopes they will play a more extensive role in monitoring future elections in Afghanistan.

▪ **Members and colleagues**

As stated earlier, the FEFA is composed of creditable and impartial civil society organizations which are active in a majority of the Afghanistan's provinces. In order to observe the elections in all parts of the country and cut down on the expenses, the FEFA strived to employ the human resources and logistical facilities of its members in all the provinces, trying to recruit impartial, honest and independent people in each area. In places where the member agencies did not have the required facilities, the FEFA requested the cooperation of other reputable civil society organizations active in those places. The FEFA is grateful to these organizations for their sincere cooperation and congratulates them for their participation in observing the National Assembly elections. As a sign of appreciation, we will name the organizations which cooperated with us in our observation mission, along with their respective province and region of activity.

▪ **Participation of people**

The FEFA commends the brave and courageous participation of the Afghan people, both voters and candidates, and appreciates their trust and belief in democracy and the nation-building process in the country. We believe that this represents a brave step forward at this juncture. As cited in the introduction, electoral processes, even in long-standing democracies, are always concomitant with certain challenges and problems. In our country, these were the second general, secret and direct elections in the post-conflict era. The large number of candidates, the unhealthy competition environment, lack of trust, intimidation of voters to vote for certain candidates, the prevalence of an environment of fear and threat, administrative and logistical weaknesses, lack of adequate information on the process and electoral duties, and some other issues, were among the problems that plagued these two electoral events, and in particular the recently held WJ and PC elections. The FEFA expresses its concern and regret over these shortcomings and encourages all people to continue to improve and strengthen electoral processes by their massive and effective participation. We are certain that this will lead to better future elections.

2) Who are the FEFA?

The Free and Fair Election Foundation of Afghanistan is a reputable, independent, impartial and unbiased civil society organization which has been established by a number of civil society organizations to:

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

The FEFA was registered with the Ministry of Justice on 12 June 2004 and began its practical work in the second half of August 2004. Its first observation experience was that of the 9 October 2004 presidential elections during which it observed the elections in 100 districts inside the country and outside of it (Pakistan). Its second experience was observing the recently held National Assembly Elections during which the FEFA covered 217 districts containing 65% of all polling centers. The FEFA has two components:

1) Board of Directors

Board of directors is composed of 15 members who constitute the decision-making branch of the Foundation. These members elect one person from among themselves as the Director of the Board who is also regarded as the general director of the Foundation. Members of the Board of Directors are

representatives of independent civil society organizations as well as independent national figures. Their names are as follows:

No	Member of Board of Directors	Organization	Abbreviated Organization Name
1	Ahmad Nader Nadery	Afghan Independent Human Rights Commission	AIHRC
2	Dr. Mohammad Sayed Naizi	Afghan Foundation for Culture and Civil Society	FCCS
3	Eng. Aziz-u-rahman Rafiee	Afghan Civil Society Forum	ACSF
4	Saaduldin Safi	Afghan Development Association	ADA
5	Dr Hosein Ramooz	Independent Figure	
6	Amanudin Haidari	Coordination of Afghan Relief	CoAR
7	Maleka Qani	Education Center for Women	ECW
8	Mohammad Shafi Khaliqi	Help Afghan Farmers Organization	HAFO
9	Roshan Sirran		THRA
10	Sanjar Sohail	Students' Representative	DSM
11	Ab. Qadeer Raoufi		MSCO
12	Dr. Shir Agha Bolooch		RADA
13	Mohammad Aalim Kohkan	The Pen Association	
14	Mirwais Wardak		CPAU
15	Heba Tarzi	Afghan Women's Network	AWN

2) Executive Component

The executive component is in fact the secretariat of the Foundation and responsible for implementing the decisions of the decision-making component (Board of Directors). This component, which has several subcommittees each of which has been tasked with specific duties, is headed by an executive director responsible for coordinating the activities of various subcommittees. The subcommittees are:

- Legal and Training Subcommittee:** This subcommittee is responsible for preparing training materials and guidelines, reviewing electoral rules and procedures, preparing questionnaires, and organizing training programs for provincial and field staff and observers. It is also tasked with coordinating the reporting system and preparing the final report and research activities of the Foundation.

- **Provincial Organizing Subcommittee:** This subcommittee is responsible for recruiting field staff and observers in collaboration with member agencies. It is also tasked with coordinating observation programs at provincial and field level and monitoring the performance of provincial and field staff.
- **Liaison Subcommittee:** This subcommittee is responsible for liaising with both national and international organization.
- **Media Subcommittee:** This subcommittee is responsible for disseminating reports and activities of the Foundation in written and audio-visual formats through mass media and through holding conferences and press briefings.
- **Financial Subcommittee:** This subcommittee is responsible for planning financial and budgetary issues of the Foundation and for overseeing the expenditure of funds and also for preparing the financial report.
- **Administrative Subcommittee:** This subcommittee is responsible for taking care of and overseeing administrative and logistical issues.

Part One

Analytical Report based on FEFA's Observation Activities during WJ and PC Elections

Before embarking upon our analytical report on the elections, let us note the fact that our analysis of the elections will be presented under two broad subtitles: (1) pre-polling period; (2) polling and counting.

It is also necessary to mention the fact that the Foundation has observed only the polling and counting stages of the WJ and PC elections as well as the elections within Provincial Councils to elect their representatives for the Mesherano Jirga (MJ) in a complete and systematic fashion. Previous stages of the electoral process, such as voter registration, political campaign, etc have been observed in a sample-based, unsystematic way.

Section I Pre-Polling Period

Following the successful observation of the 2004 Presidential Elections, of which the observation report were sent to the relevant stakeholders, the Foundation decided to observe the 2005 WJ and PC elections. Members of the Board of Directors and Members of the Executive Component convened a number of meetings to develop the needed plans and programs. During the planning stage, effort was made to devise an operational plan that was more systemic and effective and also more extensive than the one during the Presidential Elections. As a result it was decided that:

- The FEFA would not set up any regional offices;
- The implementation of the observation plan in the field would be undertaken by our partner agencies, as they had both office facilities (to contribute to cost reduction) and experience with the local people (to ensure the recruitment of impartial and committed individuals) as well as being familiar with the area in which they operated;
- Only polling and counting phases of the WJ and PC Elections would be observed completely and systematically and that other phases would be observed in a sample-based fashion.

Just around this time, at the recommendation of the civil society organizations and in compliance with the provisions of the Constitution, the President decided to establish the Independent Election Commission (IEC). The Government requested civil society organizations, including the FEFA, to present to the President a list of persons whom they deem as being appropriate for membership in the IEC. To do this, the Board of Directors of the FEFA convened

several meetings and agreed on a list of impartial and qualified persons for IEC membership. The list was presented to the President's Office, United Nations Assistance Mission in Afghanistan (UNAMA), and the Joint Electoral Management Body (JEMB) but had no effect on the final make-up of the IEC.

Following the establishment of the IEC and the Government's announcement that the elections would be conducted by the JEMB, the Special Representative of the Secretary General (SRSG) designated the international members of the JEMB. Shortly after, the FEFA met the JEMB Chairman and the senior management of the Electoral Secretariat to draw their attention to the strengths and weaknesses of, and lessons learned from, the presidential elections. It also voiced its readiness to extend full cooperation to the JEMB, in accordance with the principles of impartiality and neutrality, to help conduct the WJ and PC elections in a better fashion. Thereafter, the FEFA forwarded, on time, all its reports to the JEMB.

The FEFA observed the electoral stages occurring before polling and counting, but not completely and systematically as was the case with polling and counting. What follows is an assessment of the pre-polling phases of the electoral process:

1) Allocation of WJ Seats to Provinces

During its meetings with the JEMB, the FEFA raised its concern over the absence of a precise census in the country and asked for a quick exact census. It also reiterated its previous recommendation about the distribution of national ID cards in parallel to the election process. This was especially needed in the light of the fact that a recent Household Survey did not meet the approval of a large number of the Afghans and many complained, during some meetings of the FEFA and also through the media, of not being properly informed about it.

Despite this, the decision was taken and seats were distributed among the provinces. The FEFA asked the JEMB for an explanation and, in response, the latter invoked Article 20 of the Electoral Law. The FEFA was not satisfied with this and repeatedly asked for an explanation of the census on the basis of which seats had been allocated. The JEMB's response was that the population figures had been obtained from averaging the figures which were the basis of seat distribution during the Constitutional Loya Jirga, the figures from the 1978 census and the recent Household Survey figures. The JEMB did not provide any information on the practical procedures of this formula. As a result, the FEFA remains unconvinced about its transparency.

2) Candidate Nomination Period

The FEFA observed the candidate nomination period and arrived at following findings:

- The relevant laws of the country have not specified the qualifications, including education level, of the would-be candidates. In general, the public are in favor of the introduction of some legal barriers, including some relating to education level of the candidates;
- People were also concerned about the fact that some human rights violators had been allowed to stand for office and that these stood the chance to make it into the National Assembly, thereby obtaining the authority to determine people's political fate. Despite the fact that the law makes deprivation from political/civil rights conditional on a court ruling, which meant that under the circumstances the only way for preventing those accused of past criminal activities from being elected to office was voters freedom of choice, many people complained that these candidates held positions of power or were in possession of arms and unofficial armed personnel. They also criticized the existence of threat and intimidation and a culture of impunity;
- Another issue that came to the attention of the FEFA, and is in fact a legal shortcoming, is the contradiction between Article 85 of the Constitution and Article 14 of the Electoral Law. The former specifies that the candidates for the MJ shall have completed 35 years of age by candidacy date, but is reticent about the age requirements for provincial and district council candidates. The latter, however, refers the issue back to Article 85 of the Constitution and provides that any person having the eligibility criteria set in Article 85 of the Constitution can nominate themselves as candidates for the National Assembly, provincial councils, or district councils. Despite the fact that the Constitution is silent about the qualifications of the candidates for provincial and district councils, representing a clear legal gap, some election documents and regulations, including the Candidate Declaration, had set the age of 18 as the minimum age for provincial council candidates. As later witnessed, some of the successful candidates in provincial council elections were under 35 and therefore not eligible to stand for elections to the MJ, a fact that manifested itself during the MJ elections within the Takhar Provincial Council. One of the candidates to the MJ was later found to be under the required age (35), triggering a prolonged controversy within the Council and forcing the concerned candidate to withdraw his candidacy. This situation represents an clear legal gap that goes against the principles of democracy;
- The Electoral Law specifies that certain government officials, whose positions have been outlined in the law, cannot stand for office, unless they have officially stepped down from their position before handing in their nomination papers. In practice, however, some government officials, to whom the said provision was applicable, were registered as candidates

without resigning from their posts. Some won seats in the elected institutions.

3) Voter Registration

The JEMB decided to carry out a short registration exercise across the country to provide voting opportunity for the following categories of potential voters:

- Those who were not able to get registered during the Presidential Elections;
- Those who needed the information on their voter registration cards (province name) to be changed;
- Those who had lost their voter registration cards;
- Those who had come of age since the Presidential Elections and were now eligible to vote.

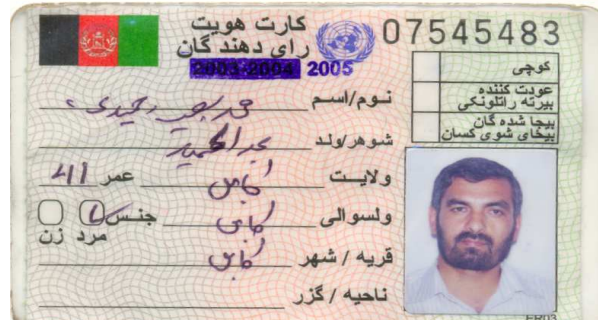
While this was a good decision on the part the JEMB to promote participation in the election process, this registration process had certain shortcomings:

- It had been planned to last for only one month and there were not enough registration facilities. As a consequence, only a low number of people got the opportunity to get registered. The long distances between people's places of residence and registration centers caused a large number of people, especially women, to show little interest in being registered;
- In some cases, the registration centers had not been distributed with due care. For example, the registration center for a district happened to be in close proximity to the one allocated to a neighboring Nahia (city division) (Paghman district registration center and that of Nahia 14). It would have been far better if one of these registration centers had been located in another populous area;
- In a number of cases, registration staff did not exert enough care in deciding the age of the individuals and provided them with registration cards, a problem that surfaced only on the Election Day;



A person claiming to be 18 is being registered

- Another problem was that the photos taken by the cameras used for taking registrants' pictures could only be printed once four or five of them had been photographed. In some cases, a registrant, having waited for a long time for the second, third and fourth ones to show up, left the registration center in despair, without being registered;
- Some registration staff were not careful enough in filling out the registration cards, writing the name of the province before entries for district and village as well as before the one for the province name. This represents a total lack of regard for future elections, namely district council elections, in which each district would be an electoral constituency. The affected voter registration cards will need to be corrected once again for those elections, which would require another round of public information campaign to get people to change the information on their cards.



As can be seen, the blank spaces before the entries for province, district, and village have all been filled with the name of province, a fact which necessitates correcting of the card for district council elections

4) Drawing Lots to Decide the Order of Candidates on the Ballot Papers

The FEFA observed the lottery for deciding the order of candidates on the ballots for both races. Its findings were published in a report and shared with the JEMB. This event, despite being successful, was not without certain defects:

- There was a lack of coordination in the process, which on a number of occasions, caused pauses in the program, and in some others, led to overcrowding. Notwithstanding this, the nature of the program was not altered drastically;
- A number of children had been tasked with drawing the lots out of the boxes. Despite all the instructions by the officials in charge, the children occasionally made mistakes, disadvantaging some candidates;
- The lottery for all the provinces was carried out centrally in Kabul, causing access problems for candidates who were keen to see the process for

themselves to get assured of its transparency. Obviously the place where the lottery was being performed could not accommodate all candidates, because of both the large number of candidates and transportation and logistical challenges. Therefore, it would have been better if the lottery for each province had been conducted in the same province;

- The hall used for the program did not have enough space and facilities for the announcement of the results, which created some problems in respect to the announcement of the results and their understanding by candidate agents and media representatives. As a result, at some points, it was difficult to know which province the lottery or a candidate is related to. This situation forced some candidates and candidate agents to grumble over the chaos.



A view of the hall where the lottery was performed.

On ballot papers, it should be noted that following the determination of the order of candidates on each province's ballot, the JEMB contracted several foreign companies to produce 40 million ballot papers. The FEFA is not of the view that it was necessary to print this number of ballots. As according to the JEMB, the total number of registrants was 12.68 million, it would have sufficed to double this number (as there were two races and each voter would cast two ballots) and print two to three million additional ballots for contingency purposes and for offsetting spoilt ballot papers. Had this been done, the saved money could have been spent elsewhere in the project.

5) Political Campaign

The campaign period was another important phase of the election process, of which the aim was for the public to become aware of the candidates' policies, ideas and platforms. Under the Electoral Law, political campaign lasted for one month and came to a close 48 hours prior to the commencement of

polling. During this period, too, some irregularities and problems were observed:

- The 48 hour silence period before the start of polling was violated by some candidates. These continued their campaign activities well into the silent period through either direct or indirect methods, such as inviting people to the Holy Quran recitation ceremonies or to parties. In a number of extreme cases, some candidate agents or supporters went on to encourage people to vote for their favorite candidates even on the Polling Day;
- During the political campaign period, some candidates threw lavish parties and went into extraordinary expenses to achieve their goals, while, in fact, they should have focused on their policies and platforms to garner more supporters. They spent much beyond the expenditure limit set in the relevant election regulations;
- Some candidates turned to ethnic, language and other discriminatory means to provoke people to support them. This represents a blatant violation of the relevant code of conduct;
- In their campaign activities, a number of candidates sought to get an advantage over their rivals by trying to damage their dignity and insulting them. This was in clear violation of the principles of democracy and the relevant laws in the country;
- Some candidates did not feel secure enough as they were subject to both intimidation and harassment. This, in some cases, led to candidates or their supporters being killed or their dignity being attacked on. In one extreme case, the FEFA received a complaint alleging that the wife of a supporter of a candidate was raped by a supporter of another one;
- Another problem related to this period was the fact that some candidates had little or no information about electoral rules and regulations. Some were unaware of the legislative functions and responsibilities of the WJ and the National Assembly and promised to do things that fell within the competence of the Executive or Judicial branches of the government;
- The issue of the placement of candidate posters on private company signs, which was an obvious infringement on other people's rights, or on traffic signs, which led to traffic incidents or disruption, was another problem during this period of the electoral process. In some cases, posters had been placed on inappropriate places, which showed an outrageous lack of basic moral etiquette on the part of some campaigners.



As can be seen in the picture, posters of some candidates have been placed under the sign for Kabul Zoo. This case represents an outrageous derision of human dignity.



The picture shows the placement of a poster on a traffic sign along the Kabl-Parwan road. This violation led to a traffic accident.

6) A Review of the JEMB Decisions

The FEFA has reviewed and examined the decisions of the JEMB. Despite the fact that as an observer organization the FEFA had, in principle, been allowed to attend the JEMB meetings upon being invited by either the JEMB or its Secretariat, it was actually invited to observe the JEMB meetings only three times. This happened close to Election Day when a large majority of electoral regulations and procedures had already been passed and were being implemented. In spite of this, the FEFA has sought to analyze JEMB decisions and reached the following conclusions:

- In a number of cases, decisions of the JEMB were in contradiction with the approved regulations and procedures, creating problems in their implementation. For instance, while the Polling Procedures clearly said

that polling would start at 7:00 a.m., the JEMB later decided (Decision 2005-60) to start polling at 6:00 a.m. This decision was not implemented in all polling centers as either polling staff or voters remained unaware of it.

- In some other instances, decisions of the JEMB were not implemented by its Secretariat, leading one to the conclusion that either there was no follow-up system in place to ensure the implementation of the JEMB decisions or, if there was one, it was not effective. For example, the JEMB decided, through decision 2005-57, to post a list showing deceased or disqualified candidates inside the affected polling centers in order to prevent the invalidation of voters' votes. This, however, did not materialize on the Polling Day. Moreover, some the JEMB decisions concerning the conduct of the candidates were communicated to them either too late or not at all. As an example, decision 2005-54 which provided that candidates were not allowed to provide any facility for the voters on the Election Day, including transportation to and from polling centers, was not communicated to the candidates on time.
- Finally, some decisions of the JEMB were not definitive enough and allowed for multiple interpretations. Take for example, decision 2005-69 which had been taken to specify the way to deal with quarantined ballot boxes. This decision was implemented in different ways in different places, especially because of the various interpretations of the term 'administrative errors'.

Section II Polling and Counting

1) Polling Day

In accordance with its operational plan, the FEFA observed polling in 65% of all polling centers. These were dispersed in 217 districts in all 34 provinces of the country.

In order to improve and streamline the observation process, the FEFA developed some training materials and standard reporting forms and then disseminated these among provincial offices and its partner agencies. These were used by educators in their training programs to provide adequate information and training to individual observers on the elections, their observation activities and on how to use the check lists (reporting forms).

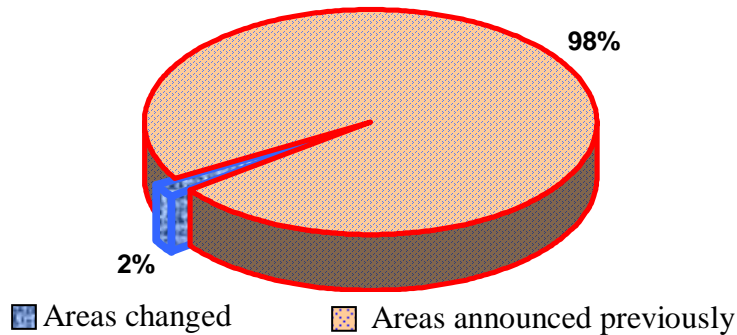
Now let us outline some of the issues that we have kept a close eye on during our observation of polling.

a) Location of and access to polling centers

This issue was looked at from three dimensions: (i) The location of polling centers in the field according to the map disseminated by the JEMB; (ii) Voter access to polling centers; and (iii) The set-up of polling centers and stations.

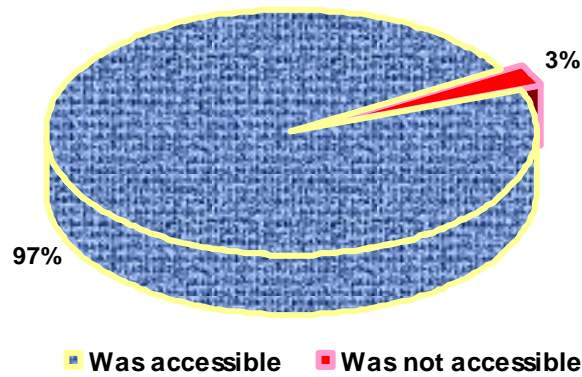
i. Location of polling centers

According to the reports we have received from our partner agencies, 98% of the polling centers were located in the same areas as announced by the JEMB. However, 2% of the centers were located in areas other the ones previously announced, some even in the houses of the candidates.



ii. Voter access to polling centers

We have looked at this issue and come to the conclusion that 97% of polling centers were located in areas reasonably accessible to voters. Notwithstanding the fact that this represents a high percentage, it should be noted that some voters had still difficulty getting to the polling centers. A polling center located in a school, for example, was easily accessible to the residents of one or two villages, but not to the residents of the more far-off villages. In some cases, there were more polling stations within a polling center than there were voters in it. It would have been better if in any given area there had been more polling centers within short distances of one another each having a lower number of polling stations. This situation had made it difficult for the FEFA to observe the polling process thoroughly, as from each observer entity only two could be inside a polling station at the same time. And female polling centers could be observed by female observers and the male ones by male observes, which coupled with the large number of polling stations in each polling center caused the dispersal of observers among the polling stations, hampering their ability to do a better observation.



It should also be noted that not enough care had been exercised in the distribution of polling centers in some districts, which caused some candidates to complain about the paucity of polling centers in a number of districts. As a consequence, there was overcrowding and access problems in some centers, while in some others the allocated facilities were far beyond the actual turnout. As pointed out earlier, in some case, polling centers were located in candidates' houses.

Also, in some areas there were no Kuchi (nomad community) polling stations and Kuchis were allowed to vote for non-Kuchi candidates. Besides, no voting facilities had been envisaged for the incarcerated and hospitalized and in fact these were deprived from their political right to vote.



In Roohabad School in Dand district, Kandahar, where there was no Kuchi-specific polling station, Kuchis were allowed to vote for non-Kuchi candidates.

iii. Internal set-up of polling centers

Some polling centers had not been set up in an efficient manner. For example, polling screens were located in the dim corners of the polling

stations, making it difficult for elderly voters or those with impaired eyesight to identify their candidates of choice.



The polling screen is in a dim area of the polling station, causing problems for this voter to identify his candidate of choice.

In some cases, voting screens had been placed so close to one another that the voters got the chance to either seek advice from, or instruct, each other on how to vote. This was clear violation of the principles of secrecy of the vote and freedom of will.



Pictures show how voters got the chance to talk to and get advice from each other, thereby violating the principle of the secrecy of the vote.

Another issue was that some polling centers were either located in open areas or set up in such a way that allowed voters to get ballot papers from one polling station and cast them in another within the same center. For instance, in a polling center adjacent to Kabul Poly-Technic, a voter

claimed to our observers that he can cast several votes. He first had his index finger marked by the ink and cast his vote in a legal way in one of the polling stations in the center. He then went to another polling station where there were a lot of voters in front of identification and inking officer desk, waited for some time there and then went directly to ballot issuer officer, showing him his inked finger and punched voter registration card and getting two ballot papers. Afterwards, he went to the polling screen but left them unmarked and then cast them. This was a major problem especially in polling centers where management of the center was poor or where there were a large number of voters.



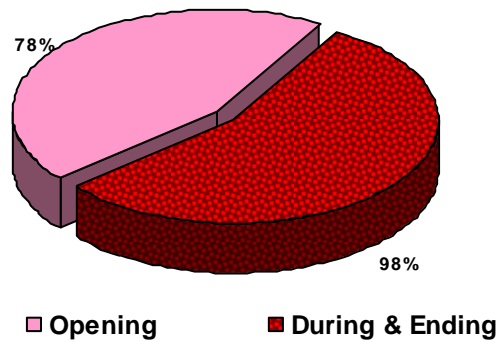
The picture portrays how secrecy of the vote is being disregarded, disclosing the level of the awareness on the part of both voters and candidate agents about this basic principle. It is also a proof the poor management and set-up of some polling stations.

b) Security issues and threats

Under this title we have examined the following issues:

- Was there enough security on Election Day in an around polling centers?
- Were voters able to cast their votes in an environment free from fear or intimidation?
- Did the police officers in charge pay due attention to fulfilling their duties?

Reports indicate that as far the first question is concerned, contrary to the expectations; a satisfactory level of security was in place around all polling centers, which gave people the opportunity to cast their votes. Security personnel aborted some violent events. According to the reports we have received, security level at the beginning of the polling process was lower (78%) than that during and towards the end of polling (98%).

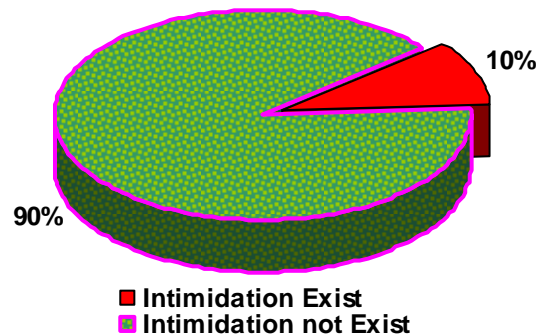


To respond to the second question, namely whether voters were able to vote calmly and free of intimidation, we have categorized the threats into two:

- Threats aimed at deterring voters from voting;
- Threats aimed at intimidating voters into voting for a specific candidate.

In regard to the first category, we can say that our observers did not observe any incidence of it on the Election Day. Also, interviews were conducted with some voters, none of whom verified the existence of such threats.

With regard to the second category, however, it should be said that there were incidences of this on the Election Day around some polling stations and centers. Supporters of some candidates intimidated voters into voting for a specific candidate. This problem was seen in 10% of the polling centers observed.



In respect to the third issue, namely whether the police forces in charge of maintaining security were careful in carrying out their duties, it should be said that in a majority of cases they were quite careful and active in fulfilling their tasks. In some polling centers, however, they went beyond their authority, interfering in the polling process and entering polling stations without any request from the chairman of the polling center. Some police officers were not wearing

police uniforms and, in some cases, intimidated voters to vote for a specific candidate.



Police officers on duty. Some, however, were not in police uniforms. Some showed violence towards people, much to the dissatisfaction of the latter.

c) The presence of observers to observe the Polling Day

Election observation is quite common in all countries whose political system is based on elections and the will of the people. This is because voters may not be sure of whether their votes are actually counted for their favorite candidates, or whether the elections are actually free and fair, etc.

This necessitates the existence of observer organizations to monitor the elections to assure voters and people of their being free and fair, thereby promoting the latter's trust and faith in the elections.

Before the start of the elections, some national and international entities decided to observe the elections to ensure their transparency.

We will try to assess the impact of the presence of observer organizations by dividing them into four broad categories: (1) international observers; (2) political party and candidate agents; (3) national independent observers; and (4) representatives of the mass media.

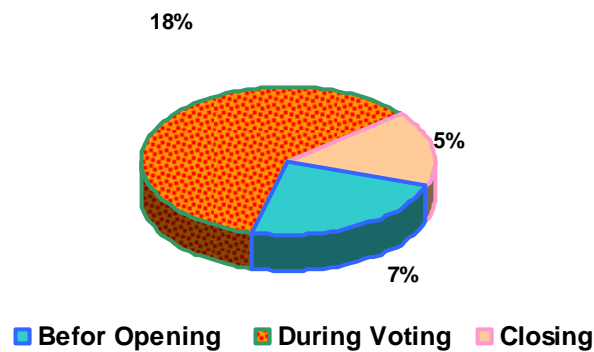
(1) International observers and media

As pointed out in our report on Presidential Elections, the Afghan people expected a huge presence from the international observers, alongside the national ones, to ensure the credibility of the elections. But only a few of the international observers fulfilled these expectations.

The FEFA believes this is due to the lack of interest on the part of international observers to observe elections in Afghanistan. We strongly hoped to learn from the experiences of international observers in monitoring elections to promote our observation capacity. We believe that their presence could have also added to the FEFA's credibility.

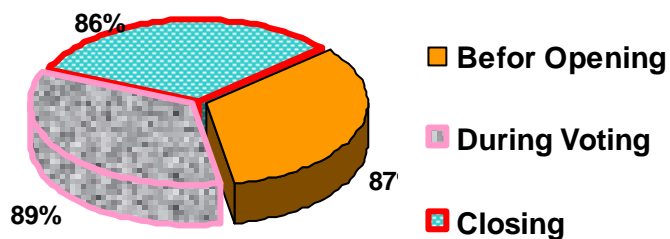
European observers and those of the ANFREL accounted for the largest number of international observers monitoring the events on the Polling Day. In addition to these, diplomatic representatives of some friendly countries in Afghanistan monitored the Election Day. International Media were represented by Radio BBC, Radio Liberty, Radio Ashna, etc.

According to the information we have received, international observers were mostly active in provincial centers, especially in Kabul and the surrounding areas. Our reports indicate that the presence of international observers before the start of polling, during polling, and at the close of polling was 7%, 18%, and 5% respectively.



(2) Political party and candidate agents

Political party and candidate agents constituted the largest number of observers on the Polling Day. It was primarily due to the large number of candidates (more than 5000) and the fact that each candidate had the right to get their agents accredited to monitor the events on the Election Day. According to our reports, the presence of agents and candidates before at the start of polling, during polling, and at the end of polling was 87%, 89%, and 87% respectively.



With regard to candidate agents, the following points are worth noting:

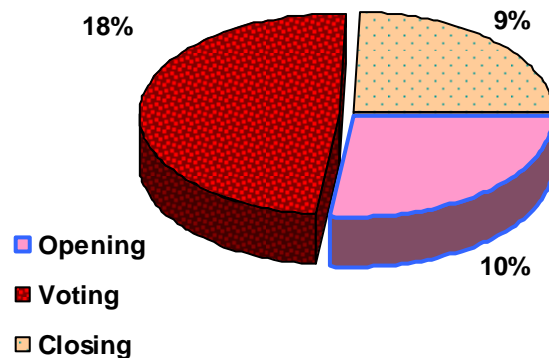
- Some of them were under 18 years of age;
- In remote rural areas, some candidate agents were illiterate and, therefore, made clamorous objections without having any valid reason;
- Many of them, especially those in rural areas, were unaware of the relevant rules and regulations and often disrupted the polling process;
- In a number of cases, they interfered unduly in the work of the polling center Chairperson;
- In some polling stations, there were more than two agents from the same candidate;
- In a number of instances, instead of observing the polling process, agents stayed outside polling centers or stations, encouraging voters to vote for a specific candidate, or stayed behind polling screens, violating the secrecy of the vote and the Code of Conduct for Political Party and Candidate Agents.



Lack of order and the large number of candidates disrupted the polling process. The agents in the picture are creating problems even for a voter who is trying to mark his choice.

(3) Independent domestic observers

This group of observers did not have any stake in the electoral process. In other words, they were not linked to any particular group, candidate, or party. Their observation activity was meant only to ensure that elections are free and fair and, therefore, their presence and impartial observation was to ensure the interests of all the stakeholders in the electoral process (i.e. voters, candidates, election administrators, etc).

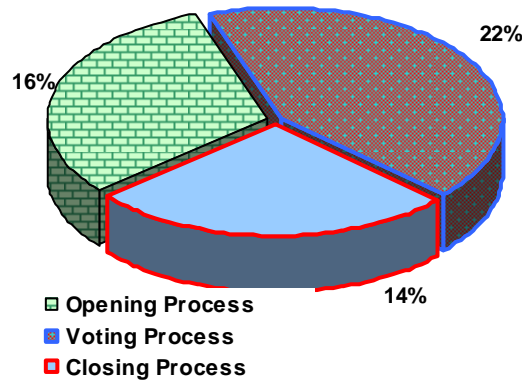


The FEFA's assessment is that the presence of non-FEFA domestic observers who monitored the polling process at the start of polling, during polling, and at the close of polling was 10%, 18%, and 9% respectively. Among domestic observers, after FEFA, the Afghan Independent Human Rights Commission (AIHRC) had the most presence, observing the polling process by using mobile teams.

(4) Mass media

Mass media representatives were also among the observer groups which monitored the Election Day and reported electoral events through the media.

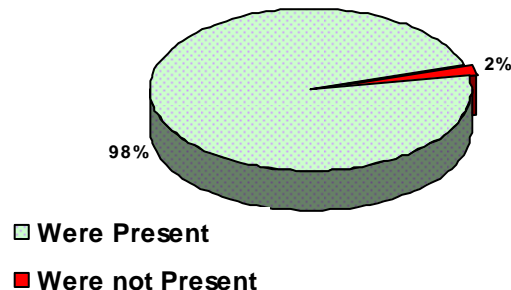
There presence in the polling centers covered by the FEFA has been 16%, 22%, and 14% at the start, during, and at the close of polling respectively. They represented media outlets such as Radio Television Afghanistan, Ariana TV, Tolo TV, Afghan TV, Bakhtar News Agency, Radio Kelid, Aina Press Center, etc. Some polling centers were observed only by the representatives of local radio and television stations in areas of their limited local coverage.



d) Polling staff attendance

We have examined the issue of the attendance of polling staff for two reasons: First, polling staff had been entrusted with certain responsibilities outlined in the relevant electoral regulations and procedures. According to election procedures, in addition to the polling center chairperson, each polling station was to be staffed with 5 officers. These included polling station supervisor, queue controller, identification/inking officer, ballot issuing officer, and ballot box controller. Second, the absence of any of these could have let to the disruption or complete cessation of polling activities.

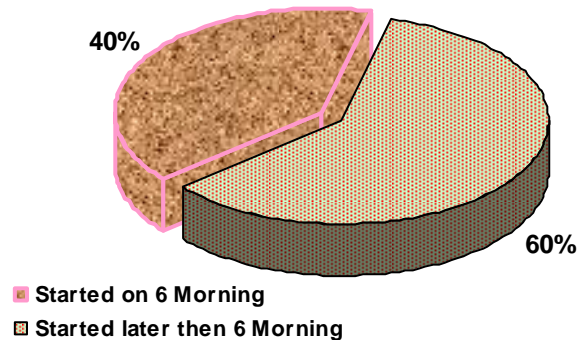
Reports indicate that in 98% of the polling stations observed, all the above-mentioned staff was present during polling hours, while in the remaining stations not all the staff attended to fulfill their duties.



e) The commencement of polling at the pre-declared time

The Electoral Law specifies that the JEMB shall announce the Election Date 140 days prior to the holding of elections. Pursuant to this provision, the JEMB announced that the elections would be held on 18 September 2005, from 7:00 a.m. until 4:00 p.m. However, the JEMB later on decided that the polling would start at 6:00 a.m. and end at 4:00 p.m.

The FEFA observer reports indicate that only 40% of the polling centers opened on time



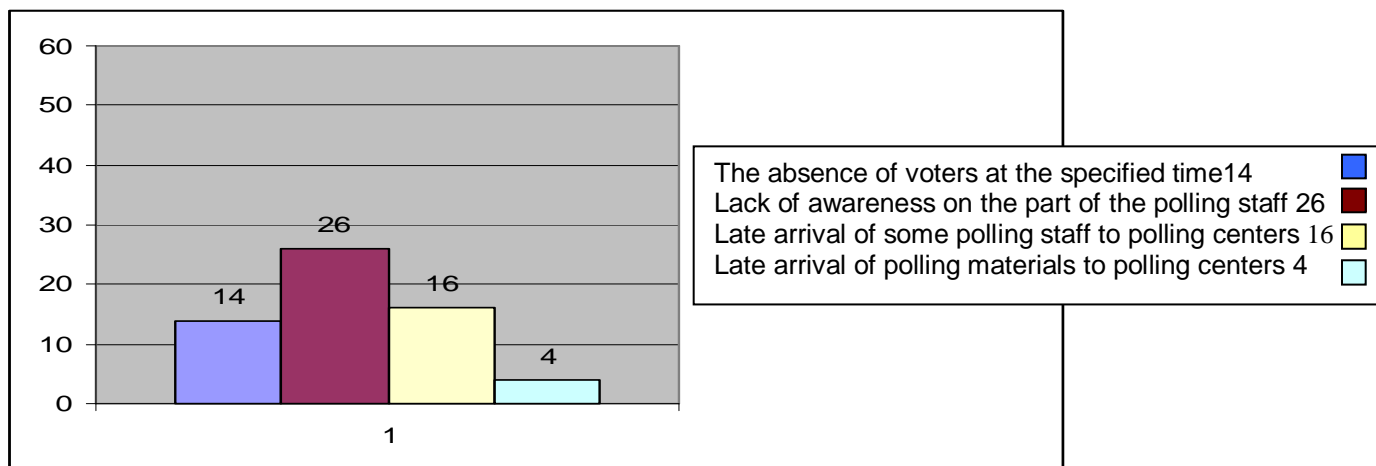
And the rest opened later than the specified time for the following reasons:

- The absence of voters at the specified time;
- The lack of awareness on the part of the polling staff about the new decision of the JEMB to start polling at 6:00 a.m.
- The late arrival of some polling staff to polling centers;
- The late arrival of polling materials to polling centers and/or stations.



As the pictures show, while the voters were standing in line outside the polling centers, polling staff, having started their work late, were still setting up the polling center.

The chart below shows the impact of any of the above-listed factors in the late opening of polling centers.



It should also be pointed out that a small number of polling centers did not open at all, causing the affected voters to go back home in despair.

f) The performance of polling staff

One of the issues that we kept a close eye on was the performance and behavior of polling staff to see how exact they are in conformity with the relevant regulations and procedures.

Admittedly, one of the huge challenges facing the election administration was how to identify and recruit impartial and committed polling staff. This emanated from the fact that in these elections, each province of the country represented an independent electoral constituency, a challenge compounded by the large number of candidates competing in two races within each and every province (the total number of candidates for both elections across the country was more than 5800). The presence of more than 280,000 political party and candidate agents to monitor the polling process meant that some polling staff were, inevitably, one way or another connected to, or influenced by, candidates or their agents. (Respect to the principle of impartiality will be explored later in the report.)

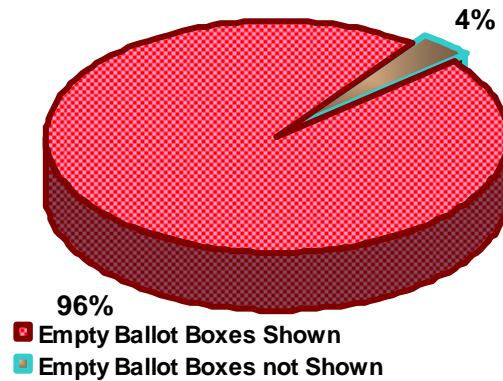
Alongside recruiting impartial staff, another important issue was the age of the staff recruited for polling. In some cases, election staff were under the legally required age of 18.

Also, some election staff were not literate enough and therefore did not have a clear understanding of electoral regulations and procedures. These were given guidance by the FEFA observers on how to correctly apply the relevant regulations and procedures.

The FEFA has been monitoring the following points in relation to the performance of polling staff:

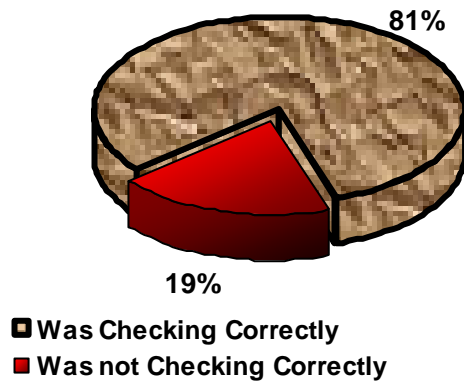
(1) Showing empty ballot boxes before the start of polling

The polling procedures required polling staff to show, as a matter of transparency, to observers and agents the ballot boxes at the start of the polling to assure them that the boxes were empty. Reports indicate that a large majority of polling staff heeded this point and acted accordingly.



(2) Checking the right index finger of voters to ensure that it was not inked

This was an important point as inking voters' fingers were the most reliable precaution against multiple voting. Our reports show that in 81% of polling stations observed, polling staff paid attention to this point, but in the remaining stations they were careless about it. In some cases that the voters succeeded in removing the ink from their fingers, the real problem was that the polling staff in charge did not check and clean, prior to inking, their fingers, which had been soaked in a greasy substance before the voter came to the polling station. This gave the voter the opportunity to remove the ink immediately after he/she was out of the polling station.



(3) Checking voters' registration cards

The FEFA observers have monitored this with a special attention to the following questions:

- Does the registration card truly belong to the person holding it?
- Is the right province name indicated on the card?
- Is the card forged?
- Does the person holding the card look to be of the required age?
- Is a Kuchi voter registration card being used in a non-Kuchi polling station or vice versa?
- Is the card punched on its left bottom corner?

Reports indicate that polling staff were generally attentive of the above points. The following irregularities, however, did happen:

- In some parts of the country, including Zabul, Baghlan, and Paktika, forged voter cards were seen to be used for voting;
- In some cases, the name of the province was fraudulently changed by some voters;
- In some other areas, there were no Kuchi polling stations, but Kuchi voters were allowed to vote in the existing facilities for non-Kuchi candidates;
- There were also cases of proxy voting, whereby some persons voted in place of their family members, especially female ones. As a result, there were cases of voters holding several registration cards and getting several ballot papers and casting them. This was in clear violation of the provisions of the relevant laws and regulations.



An identification officer is counting the large number of voter cards presented by one voter to give him the equivalent number of ballot papers.



A voter holding a large number of ballots has been photographed by FEFA



A voter who has received several ballot papers is casting them to the ballot boxes.

- In a number of cases, the legal requirement that voters should have completed at least 18 years of age by the Polling Day was disregarded and some underage persons got the opportunity to be registered during registration and cast their votes on the Election Day.



A child holding up his registration card has been photographed while standing beside a FEFA observer.



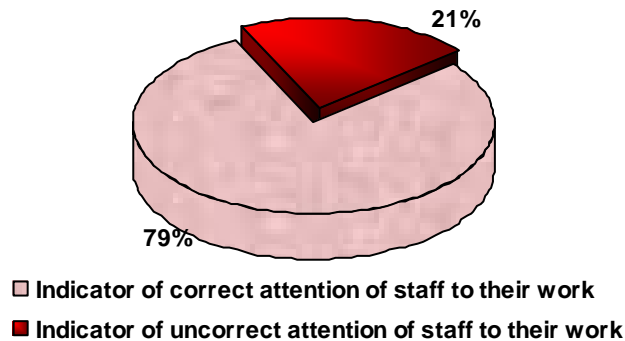
A child is having the registration number on his card recorded to get ballot papers, an obvious violation of one of the key legal requirements for voting by polling staff.

- Despite the fact that only female voters were allowed not to have their photos taken for the voter registration cards, in some cases, male voters whose cards did not bear their photos were allowed to cast their votes.



A voter registration card belonging to a male voter but not bearing his photo. The holder of this card was easily allowed to vote.

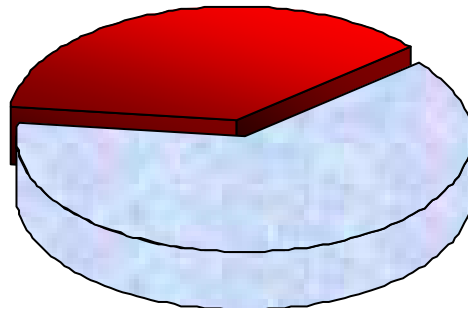
With regard to the above-outlined issues, it should be said that most polling staff were heedful of them in discharging their duties, but there were some who were rather reckless in exercising due care in their work. The reports indicate that in 79% of the polling stations observed the polling staff paid attention to the aforementioned issues, but in the remaining ones those issues were either completely ignored or only partially observed.



(4) The impartiality of polling staff in performing their duties

Impartial behavior on the part of polling staff is one of the most significant issues stressed in the law, which requires the Electoral Secretariat to make all effort to ensure the recruitment of impartial and unbiased people as polling staff. We have examined the degree to which the Election Administration has sought to employ impartial persons as polling staff and also the degree to which the polling staff have actually respected the principle of impartiality.

In our assessment, the principle of impartiality was observed in 63% of the polling stations observed.



- The Principle of Impartiality Took Place
- The Principle of Impartiality didn't take place

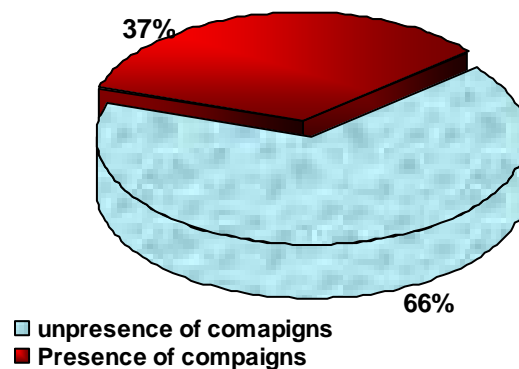
The violation of the principle of impartiality took place in different ways. In some polling stations, especially the female ones, the staff in charge took advantage of the illiteracy of some voters and the complexity of the ballot papers to boost their own favorite candidates. In some others, polling staff virtually campaigned for their favorite candidates. Still in some others, either polling staff themselves or individuals supported by them cast stacks of ballot papers into the ballot boxes, a fact which became known during the counting process.

g) Campaign activities during the Polling Day

This was one of the issues monitored by the FEFA, as according to the Electoral Law the campaign period came to a close 48 hours prior to the start of polling and therefore any campaign activity on the Election Day was an electoral violation.

On the Election Day, some candidates, candidate agents, and even some polling staff and security personnel got engaged in campaign activities, encouraging voters to vote for certain candidates. This was a clear electoral violation.²

Our observers have also reported witnessing the distribution of candidate posters and other campaign materials around polling centers and also the presence of candidates near polling centers and stations. Reports indicate that unlawful campaign activities were seen in 37% of the polling centers observed.



² In one particular case, in an area near Kabul, one candidate was seen using a loud-speaker to encourage people to vote for him. Interestingly, no one stopped him from what was doing.

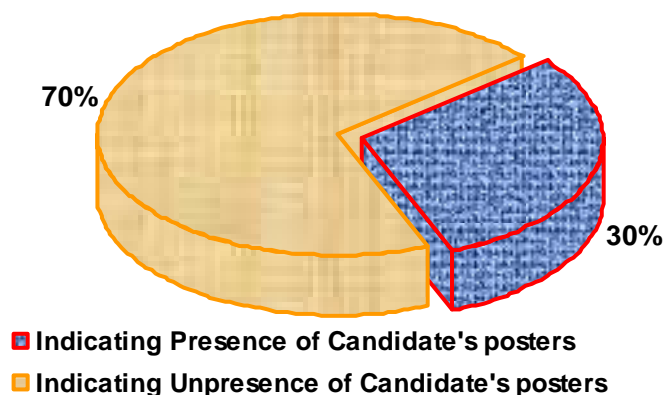
It is worth noting that according to Decision 2005-54 of the JEMB, candidates were prohibited from providing any transportation facility to and from polling centers for voters. Some candidates, however, disregarded this decision of the JEMB on the Polling Day, a fact which was effective in attracting more votes for them.

Also, according to article 43 of the Electoral Law, the JEMB was required to order the removal of campaign materials placed within 100 meters from polling centers. This did not materialize in practice and on the Polling Day posters were still placed in the vicinity of polling centers, even on their walls, let alone within 100 meters.



Candidate posters on the walls of a polling center; Karz school, Dand District, Kandahar province.

Overall, in 30% of the polling centers observed candidate posters were observed on polling centers or within the 100-meter banned area.



h) Threats

We have looked at the issue of voter intimidation to see how much freedom voters have enjoyed in expressing their right to vote. To do this, we have identified two broad categories of threats: threats aimed at forcing voters into

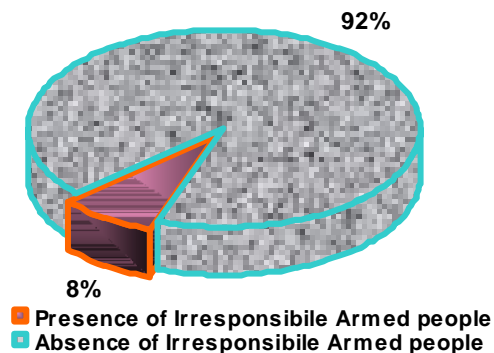
voting for a specific candidate; and threats aimed at preventing voters from voting at all.

With regard to the first category, it should be said that in some areas voters were threatened to vote for certain candidates. These threats were carried out by candidates, their agents and supporters, or even by police officers. Fortunately, in a relatively low percentage of the polling centers observed (10%) such threats have been reported to have taken place.



The FEFA interviewed some male and female voters on the Election Day to see if they had received any threats. Some female interviewees confessed that they had been instructed by their husbands or other family members to vote in a particular vote.

As for the second category of threats, it should be mentioned that no such threats have been reported to have openly occurred in or around polling stations. However, contrary to the provision of the Electoral Law which prohibits any person, with the exception of security personnel charged with maintaining security, from carrying arms in and within 500 meters from polling centers, some irresponsible armed individuals were seen around polling facilities in some areas. Additionally, attempts were made at derailing the electoral process. For example, in some areas rockets were fired at polling facilities and in some others, mines had been planted on the roads leading to polling facilities.



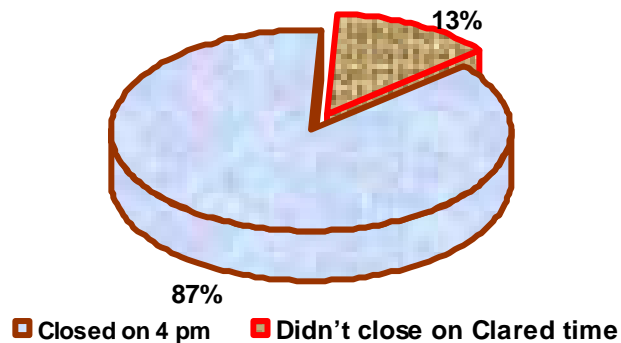


A mine planted by unknown individuals to cause casualties and panic among voters, thereby disrupting the polling process, was detected by the police before exploding.

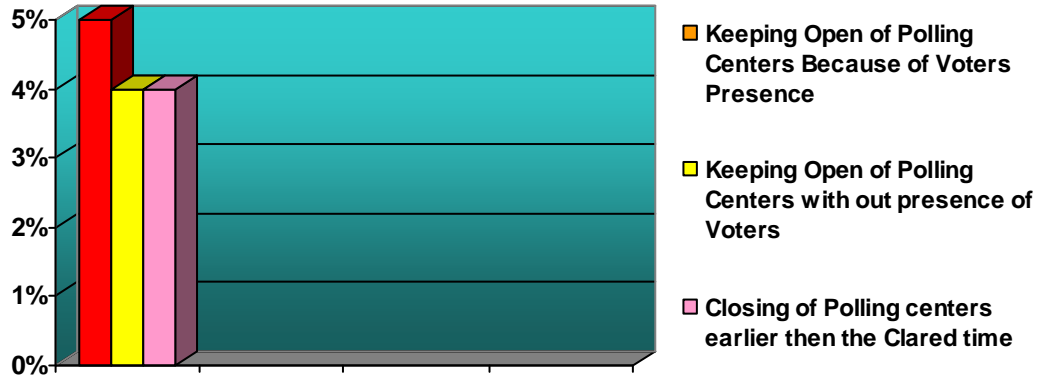
i) The close of polling

(1) The close of polling at the declared time

Reports from the FEFA observers indicate that in 87% of the polling centers, polling concluded at the declared time (4:00 p.m.). In the remaining centers, polling ended either earlier or later than the pre-announced time due to the following reasons:



- Voters were still in line at 4:00 p.m.;
- Some were kept open by the staff in charge without any more voters to serve;
- Some were closed before the official time for the conclusion of polling.



(2) Performance of polling staff at this stage

According to polling procedures, at the conclusion of polling, polling staff were required to collect, sort and safely secure all sensitive polling materials in order to prepare them for their retrieval to counting centers. Our observers have examined the degree to which polling center chairpersons have performed their responsibilities in accordance with the relevant regulations and procedures and the degree to which they have been successful at this stage. We have analyzed this with a view to the following issues:

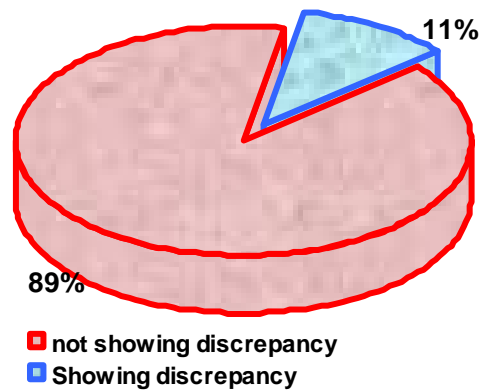
- Sorting and reconciliation of polling materials with the polling center journal

This was a responsibility of the polling center chairperson. Polling materials were divided into two categories:

- Sensitive materials (ballot papers, unused seals and ballot boxes, stamps, spoilt and discarded ballot papers, ballot papers' counterfoils, complaint boxes, polling center journal, polling return forms, unused forms, voter registration logbook);
- Insensitive materials, which included stationery and other logistical materials.

The purpose was to keep sensitive materials under constant oversight. Polling center chairpersons were, to a large part, successful in collecting polling materials and reconciling them with the journal. This success required the honest and correct recording of all the relevant information in the journal. In some polling centers, however, the polling staff did not exercise enough care in this regard and therefore faced some difficulties at the reconciliation stage at the close of polling. This was primarily because they did not have accurate information about the polling process,

which made it impossible for them to do their tasks correctly. The problems these were faced with included the discrepancy between the used ballot papers and the number of voters who had actually voted in the center, or other discrepancies arisen from not recording all the relevant information during polling. It should be noted that this issue also led to confusion during the counting process. For example, according to the assessment of the FEFA observers, in 11% of the polling centers observed there was a discrepancy between the actual number of voters and the number of voters recorded in the polling center journal.



- **Retrieval of polling materials from polling centers**

Another important issue that our observers monitored was the transfer of ballot boxes from polling to counting centers. According to election procedures, following the close of polling, polling materials and ballot boxes were to be transferred to counting centers and observers and candidate agents had been allowed to follow polling materials all the way back to counting centers to ensure that they are not tampered with during the retrieval process.

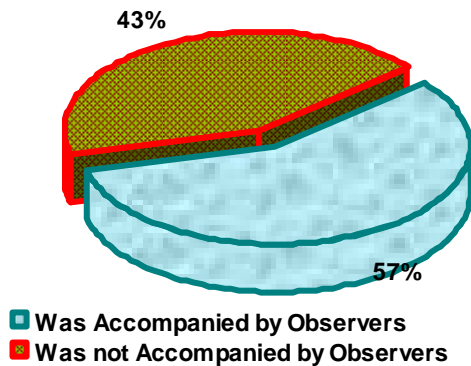
However, in a majority of cases, this did not materialize in the evening following the close of polling, not even in the cities and the nearby areas, where the transfer of ballot boxes was easily possible. Some polling materials and ballot boxes remained in polling stations and centers and some were moved to district centers or other places for overnight storage. In some areas, observers and agents were allowed to stay with the polling materials, in some not. This was in spite of the fact that there was nothing in election procedures or in the JEMB decisions to signify the transfer of polling materials to places other than counting centers.

FEFA observers were allowed to monitor the transfer of 25% of polling materials to count centers. However, some polling materials were transferred to count centers without the presence of any observer or agent

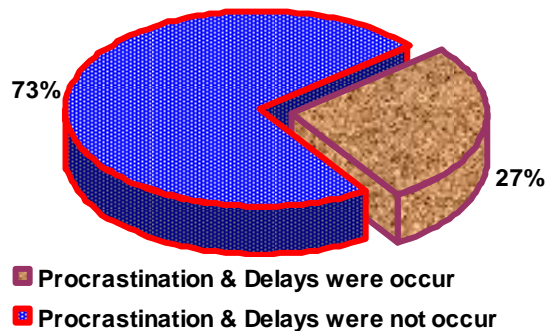
and in some cases the present observers or agents faced with problems during their traveling with ballot boxes.

The above-mentioned shortcomings created a lot of problems during the count process. A considerable number of ballot boxes were placed under quarantine as during the retrieval phase some individuals got the chance to tamper with the ballot boxes.³

According to the reports by our observers, in 43% of the polling stations observed the polling materials were accompanied by observers and/or agents during the retrieval phase, which includes the transfer of the materials to district centers, storage places, or count centers.



For the safe and secure transfer of ballot boxes, it is essential that there be no delays or procrastination once the vehicles have been loaded with the materials as in such national process there is always the possibility of various forms of vandalism to undermine the credibility of the whole process or to take unfair advantage. We have closely examined the retrieval process and have observed that in 27% of the polling centers covered such delays did occur.



³ During the transfer of ballot boxes from a district in Kabul province to the district center, the person in charge of the ballot boxes was caught by the observers while he was tampering with the boxes. Upon being asked what he was doing, the man said he was putting the ballots in order!

FEFA's assessment of the handling of electoral complaints and challenges

As one of the observer organizations recommending the establishment of an independent body to adjudicate electoral complaints and challenges, the FEFA believes that the setting up of the Electoral Complaints Commission (ECC) was a positive step. Despite the fact that FEFA could not closely monitor the adjudication of electoral complaints and challenges by the ECC, it is of the view that the role and performance of the body was generally effective and positive. Having said this, we would like to highlight the following issues:

- The absence of a transparent judicial system to address judicial cases and the consequent absence of any court ruling on many alleged cases of human rights violations meant that the ECC was not able to deal with the large number of the complaints brought before it, most of which had to do with election candidates being implicated in perpetrating atrocities in the past.
- Provincial election commissions worked both with the JEMB Secretariat and the ECC. This structure was not conducive to handling electoral complaints.
- In many areas of the country, there was a general lack of awareness about the existence or functions of the ECC.
- Given the large number of electoral complaint and challenges, the ECC was pressed for time to deal with them all.
- Some voters and candidates did not know how to fill out the ECC forms properly, which made it difficult for the latter to process their complaints due to the absence of the relevant information or evidence.

The FEFA Headquarters received a number of electoral complaints and formally presented them to the ECC for its adjudication. These have included the following:

- A candidate complaining about a registration center being located in the house of another candidate in Chandawul, Kabul;
- A complaint lodged by a candidate from Charkh District in Logar province alleging that a counting staff was working for a specific candidate;
- A complaint filed by a group of candidates from Daikundi province alleging the disenfranchisement of 22,000 voters from voting and the candidacy of Oruzgan Khas district administrator who finally emerged as winner.

- A complaint made by a group of candidates from Khost province alleging that a group of voters in an area within the province could not cast their votes because the polling centers close to them were located in an area whose residents were traditionally hostile towards them;
- A complaint lodged by a number of candidates from Samangan province alleging that a supporter of one of the political parties had committed electoral fraud in favor of a certain candidate. These candidates also claimed that a commander and his men had raped a supporter of one of the candidates in the province;
- A complaint lodged by a candidate from Meidan-Wardak province claiming that some polling staff had worked in favor of a certain candidate in the province.

2) Counting of Ballots

Following the close of polling, the FEFA turned its attention to monitoring the count process to examine the accuracy and transparency of this stage of the electoral process. During the observation of the count process, our observers were constantly in contact with election officials at the HQ and field level as well as in count centers, highlighting the shortcomings and asking the relevant authorities to address them, which proved helpful in improving the count process.

Our observers covered the counting of the ballots for all the 34 provinces of the country.

Given its impact on the political fate of the candidates, it is essential that the count process be as transparent and accurate as possible. It needs to be conducted exactly in line with the relevant electoral regulations and procedures.

Our assessment is that the count process, despite the success it enjoyed, was beset by certain problems, which caused clamorous objections by some candidates. The counting of ballots was conducted in the presence of candidates and their agents as well as domestic and international observers, who detected many of the shortcomings and irregularities which occurred during the count and reported them to the ECC and other relevant election authorities.

We have examined the count process in terms of the following issues:

a. Physical structure and internal set-up of count process

There were 34 count centers located in 31 provinces. The count centers had good physical structures and their internal set-up, with separate areas for storage, count units, external relations, etc, was such that allowed the orderly and transparent conduct of the count. However, the following shortfalls were observed:

- The count centers for Konar and Nuristan provinces were located in Nangarhar province sharing the same hall with the count center for the host province and separated from one another only by rope. This layout had the downside that it made it possible for the votes of one province to be moved to another. Although no such fraudulent actions have actually been seen to have taken place, the possibility was there.
- In some count centers, the count desks had been set up in such a fashion that made it difficult for the observers to effectively monitor the count as there was no room in front of the desks for the observers.
- There were, in some places, management and coordination problems, which can be summarized as follows:
 - During the official working hours, some count units had nothing to do;



Counting staff sitting idly by doing nothing during official

- In some count centers, oversight over the performance of the staff by the senior management of the center was lax and inadequate;
- The count staffs were bound by both the code of conduct for election officials and the count procedures. The latter required all count staff to wear a special waist and their ID cards at all times. However, in some centers, this went unheeded and the staff could be seen not wearing their waists or ID cards;



Count staff not wearing their special waists or ID cards.

- In a number of cases, some count staff behaved in a manner that was contrary to accepted norms of decent behavior, using obscene words not becoming for persons working in such an important process. This sort of behavior was offensive, especially to female staff;
- The use of mobile phones inside the count centers.

b) The intake of polling materials

The first step in the count process was the receipt of all polling materials by the count centers. This was to be done following the close of polling and the transfer of polling materials to count centers.

A major problem during this stage of the count was the protraction of the retrieval of polling materials. Unlike what was the case during the presidential elections in 2004, this time count centers were located in provincial centers as opposed to regional centers. Moreover, during this year's elections the climatic situation in the country was more favorable and adverse weather conditions did not prevail, as was the case in the North and North-East of the country during the presidential elections and which created problems for the timely transfer of polling materials to count centers. Therefore, it was expected that the polling materials would be transferred much more quickly this year. In practice, however, the transfer of polling materials to count centers was slow, mainly because of the delays in moving the materials to collection centers or because some polling materials remained in polling centers for some time after polling. The retrieval process took five to six days on the whole, with ballot boxes of one polling center not being transferred to the count center at all.

The second problem during this stage of the count originated in the fact that some chairpersons and supervisors of polling centers and stations did not have a proper understanding of how to fill out the polling return forms (P01). As a consequence, some seal number did not match up with the numbers recorded on the accompanying forms, or there was discrepancy between the quantities of polling materials received and those recorded on the forms, which led to the concerned polling materials being put under further review or quarantine.

Also, in some cases, it has been observed that either the seals or the ballot boxes had been broken.

c) Assessment of the daily conduct of the count during the official working hours

One of the issues that we have closely looked into was the working hours for counting staff. According to the counting procedures, each day counting started at 6:00 a.m. and concluded at 8:00 p.m., a schedule that could ensure both quality and speed in the count process. This schedule was followed during the initial days of the counting. But later during the count, some count center managers changed this timetable to expedite the count, not taking into account the implications it would have for count accuracy. They would provide each count unit with 2000 to 2500 ballot papers to be counted. The count unit's working day would last as long as they finished counting the ballots given to them for the day, after which they went home, coming back the day after only to be welcomed by their praising managers. As indicated, this had some unfortunate implications, such as the mistakes some counting staff made in stacking the counted ballots for the wrong candidates.

In the count centers where the latter approach had not been taken, too, there were problems and the counting process did not proceed in a smooth and orderly manner. While some count units were busy counting ballots, some others sat idly by doing nothing. A staff in one of these idle units upon being asked why was it that they were not counting the ballots, said it was because their unit had no supervisor. And they spent several days in the same vein.

In count centers where the schedules set in the procedures were followed, the count staff worked in two different shifts, one in the morning and the other in the afternoon. In these centers, one of the major problems was that the counting process grinded to a complete halt for one or two hours as the shifts changed in the middle of the day.

d) Count staff understands of their responsibilities

We have examined this under two major criteria:

(1) Count staff's understanding of how to perform their responsibilities

As far as knowledge of the relevant regulations and procedures is concerned, most staff seemed to have a fair understanding of them and performed their tasks accordingly. However, there were some staff who did not know the procedures correctly and in some cases the implementation of the procedures differed from one count unit or center to another. For instance, in one of the count centers, one count unit counted ballots marked by a name, a word, or a drawing which revealed the intention of the voter, but another count unit considered as invalid a ballot paper marked that way.

Count results were posted at different times at different count centers. Some count centers posted the results one day after the actual count, some two days later and some even three days following the count. Interestingly, in some count centers, there were discrepancies among the actual votes counted for a candidate and the results which were later posted on the walls of the count center and on the JEMB website.

Also, contrary to the procedures, some counting staff brought in some of the banned items, like handbags, pens, notebooks, mobile phones, etc, into the count centers, and some were caught while using these objects to commit fraud in favor of certain candidates.

(2) Count staff's impartiality in conducting their tasks

As cited earlier, one of the major challenges facing these elections was the relations between some candidates and the election staff. This challenge was also present during the count process. There were cases where some senior count staff in count centers were the very people who had been campaign managers for certain candidates during previous stages of the electoral process.

In some count centers, contrary to the principles of free and fair elections, count staff were in direct contact with the candidates or their agents, providing to them their own and their competitors' results. In some cases the information that was supposed to be disseminated by the more senior staff in the count centers was disclosed to certain candidates by some junior count staff, which gave rise to problems and suspicions and caused the transparency and legitimacy of the count process to be called into question. Some candidates claimed that the results they had obtained from the count unit staff was different -in many cases lower- from those posted on the boards.

In a number of cases, count staff placed the ballot papers marked for a certain candidate on a different candidate's pile.



Picture shows the putting of ballot papers of candidate # 50 in pile of candidate # 49

Count staff has been observed as putting the invalidated ballots on the pile for a certain candidate.

In some other cases, a number of count staff have been seen while marking the blank ballot papers for certain candidates.

Some count staff intentionally put additional marks on an already marked ballot paper to make it invalid.

Some count unit supervisors have been observed as misreporting the number of votes obtained by each candidate, adding to certain candidates' votes and cutting down from certain others. Following the re-examining of the results of some batches, this particular misconduct came to light, triggering a flurry of objections by a large number of candidates. In one case, pursuing to the investigation of the issue, the concerned election officials pretended that the staff implicated in this electoral offense had already made off. In some cases of fraud, the concerned staff, some of whom were on the last days of their contracts, upon their guilt being proven by observers and agents, were only dismissed from their job as counting staff.

It has been observed that some count staff, instead of doing their daily tasks, spent most of the working hours in trying to get information about the performance of their favorite candidates, working out the total number of the votes he/she had received and forwarding the same, immediately, to the concerned candidate via phone calls or messages.

Some overall issues observed during the count process:

- As predicted by the FEFA prior to Polling Day, the lack of awareness about the elections on the part of the voters led to a considerable number of votes being either invalidated or excluded from the count as suspicious votes, a fact that came to light during the counting of ballots. One factor that did contribute to this was the failure of the Electoral Secretariat in posting the lists of the deceased and disqualified candidates in the affected polling centers, as had been decided by the JEMB through its decision 2005-57.
- The counting procedures made it clear that ballot papers marked by anything other than the markers or pens placed in the voter screens should be considered as invalid. In practice, however, some ballot papers marked by ordinary pens or red markers were counted as valid votes.
- Some ballot papers not stamped with the polling station stamp, or stamped with a wooden stamp not having the specified mark and symbol, were included in the count.
- As mentioned in the section dedicated to the analysis of polling, fraudulent voting did take place in some female polling stations to favor certain candidates. This became obvious during the counting of ballots, as some rural areas where the number of male voters was three to four times greater than the number of female voters, turned out to have three to four times more female votes than male votes.
- In one count center, a ballot box containing 270 ballots all of which had been marked for certain candidates using English letters and roman numerals was included in the count. This prompted numerous objections by other candidates, but the officials in charge of the count center argued that the marks on the ballots were different from one another because different numbers had been used.
- During the counting of ballots, various items were recovered from the ballot boxes, including voter ID cards or packets containing chemical substances, illustrating inadequate control and negligence on the part of ballot box controllers during polling.
- A ballot box containing ballot papers not having the candidates on the first row, as their photos had been torn off the ballot, was first put under quarantine but was later included in the count.
- In some count centers, ballot boxes which showed a large discrepancy in the number of votes recorded on the polling return form and the numbers of ballots found in the box were included in the count. The JEMB had decided that the tolerance level for such discrepancies would be 10 ballots.

Observation activities during the count

- The presence of observer organizations in observing the count process had a positive impact on the process, as the observers detected many offenses and shortcomings and helped minimize these by bringing them to the notice of the election officials and making recommendations about how best to resolve them. However, the large number of observers and agents in the count centers meant that some were not able to thoroughly observe the process and prepare a precise report. This was because the election administrators had decided to introduce a rotation system for the presence of observers and agents inside the count centers to prevent overcrowding. On a number of occasions during the initial days of the counting, some FEFA observers were barred from entering the count centers, a problem which was resolved after we contacted the JEMB HQ. It should be mentioned that despite the fact that the count procedures allowed for the presence of only two observers or agents from the same organization or candidate, in some count centers 5 to 6 agents from the same candidate were present in the center, which only added to the overcrowded state in the center;
- In some count centers there were no suitable areas for observers to monitor the intake of materials in the center as they were positioned at a distance which made it difficult for them to observe this stage of the count process;
- Some apparently impartial domestic observers have been seen to be working in favor of certain candidates, a fact admitted by some of these observers;
- A large number of candidates and their agents did not have accurate understanding of the count procedures and, as a result, unduly interfered in, and disrupted, the count process. There was a lack of coordination among candidate agents, so much so that there were a large number of agents observing the count in one count unit but almost none to observe the count in another. Most agents simply tried to get the latest results from the counting staff;



Some candidates interfered with the work of the count staff, disrupting their normal pace of work.

- Ignoring the relevant count regulations and procedures, some agents resorted to force to enter the count centers;
- In a large majority of the cases, count centers were laid out in such a way that allowed easy observation of the counting operations by the observers and agents. Some, however, either did not have an observer-friendly lay-out or the counting was carried out in separate tents or places, which made it difficult for the observers and agents to cover all the count units. Also, some count staff that in the presence of the FEFA observers pretended to be quite conscientious in performing their tasks, later on, when the observers moved to other units or tents, reverted back to their lax attitude in performing their duties.
- The count procedures were not quite clear about the presence of candidates inside count centers. During the actual counting process, many candidates spent most of their time in the count centers, sometimes threatening the count staff.

e) The quarantining of ballot boxes

One of the key issues that our observers monitored during our observation activities was the quarantining of suspicious ballot boxes or boxes which bore the signs of tampering. We contacted the election administration and asked them to deal with this issue in a fair and transparent way. The FEFA also requested the JEMB, through its 30 September press statement, to adopt and implement a thorough and clear policy on the issue, a policy that can be objectively verifiable. However, as was seen later on, the issue turned into a controversial and hotly debated one during the counting process. With regard to the quarantining of ballot boxes, we have come to the following conclusions:

1. Problems with the quarantining of ballot boxes

- In some count centers, the staff did not have a proper understanding of the requirements for quarantining of ballot boxes. Instead of marking them with a red marker as the procedures required, some staff put under quarantine the ballot boxes coming from polling stations whose polling return forms were either incomplete or missing. This approach added to the number of boxes under quarantine.
- In some other count centers, the staff in charge would put ballot boxes under quarantine without explaining the reasons to the observers and agents.

- In a number of cases, it was observed that some candidates claimed, without any due reason, but perhaps because they believed that their rivals would get a large number of votes from them, that certain ballot boxes should be quarantined. These unsubstantiated claims created an unhealthy environment around the count process, causing, on the one hand, delays in the process and creating disruptions in the work of the counting staff, on the other, as well as diminishing trust in the whole count process.

2. Cases of dealing with quarantined ballot boxes

- The JEMB had adopted a policy to deal with the quarantined ballot boxes. This was, however, interpreted in many different ways. According to the policy, many quarantine cases could easily be brought back to the counting process as administrative errors. For instance, in some count centers there were ballot boxes where the difference between the number of ballots in the box and that recorded on the polling return form (P01) and the voters' list (P03) was 30, 60, or 138, which revealed an obvious attempt at fraud. In such cases, the discrepancy was so high that it could not be attributed to administrative errors. But the count staff decided that even such extreme cases represented administrative errors and, therefore, returned, quite easily and without any investigation, the concerned ballot boxes back into the count process.
- In some count centers, both the count staff and the managers of the centers made decisions about the quarantined ballot boxes in a not transparent way and without informing observers and agents. This approach was much to the dissatisfaction of candidates and provoked them into making strong objections to it.
- On 6 November 2005, in response to the numerous objections, by a number of candidates, to the quarantining of ballot boxes from Paghman District of Kabul province, the ECC convened a meeting to explain the reasons for the quarantining of the said ballot boxes. In this meeting, which was held in the presence of the ECC and JEMB representatives, the FEFA representatives, and the complaining candidate, it was decided that ten ballot boxes would be randomly selected from among the quarantined boxes and re-examined for further clarity. Once this had been done, it became known that of the ten ballot boxes, two had been quarantined because their seal numbers did not correspond with those recorded on the polling return forms and the remaining ones because some of their ballots were folded into each other. FEFA's view was that ballot boxes with seal numbers different from the ones recorded on the reports should definitely be quarantined. With

regard to the ballot boxes containing ballot papers folded into each other, our view was that in order to ensure fair handling of these boxes, on the one hand, and convince the complainant on the other, those boxes with undeniable signs of tampering be put under permanent quarantine, but boxes with ballots only partially folded into each other be subjected to further scrutiny. In the case of the latter ballot boxes, there were no reports indicating any fraudulent action in relation to them and their seal numbers corresponded with the numbers recorded on the polling return forms. To resolve the issue, FEFA made two suggestions:

- As a test, a group of persons, not knowing the intention behind the test, be asked to cast ballots into a ballot box as if they were casting their ballots on an Election Day. The purpose was to fill the ballot box and then give it some shakes (to simulate the shakes during their transport from polling to count centers) to see how the ballot papers would lie in the ballot boxes. In other words the intention was to see if they would get folded into each other or not. Such a test could answer these questions.
- To examine the ballots folded into each other to see if they had been marked for a certain candidate or for different candidates.

The suggestions met the approval of the complaining candidates. The ECC representative responded that he would raise these suggestions with the ECC plenary for a final decision.

f) Security issues

Security conditions are generally considered as being positive during the count process as there were no security issues impeding or disrupting the process. In some cases, however, some police officers entered the count centers, without any due reason and in spite of the opposition from the count center manager.

Part II

FEFA's Recommendations for the Improvement and Strengthening of Electoral Processes

The FEFA would like to make the following recommendations in order for the upcoming elections to be held in a totally free and fair environment that would ensure the rights of both electors and the elected. These actually reflect FEFA's findings during its observation activities. They are presented with the ultimate goal of improving and strengthening election administration as well as that of consolidating voters' faith in the elections so that in the future, a larger number of them turn out to cast their votes.

These recommendations are for the IEC, the National Assembly, the Government, and the international community so that they can help prepare the grounds for better elections that would guarantee the rights of all citizens.

1) Recommendations for the Independent Election Commission

a) On election system, electoral law, and electoral procedures

- The IEC should undertake a comprehensive study of the various electoral systems common around the world, and in particular of those in post-conflict countries with similar conditions to Afghanistan. It should also engage in consultations with political parties and election experts and choose a system which is in all regards suitable to the political requirements in Afghanistan and does not have the problems associated with the Single Non-Transferable Voting System. The FEFA recommends the adoption of proportional representation system as an election system that would suit Afghanistan's political and democratic development and lead to the strengthening of political parties.

- Article 85 of the Constitution needs to be clearly interpreted and article 14 of the Electoral Law should be amended. The latter is not clear about the age requirements for provincial and district council nominees. Furthermore, the two contradict each other. While Article 85 of the Constitution stipulates that candidates for the MJ should be at least 35 years of age on the date of their candidacy and lacks clarity on the age requirements for provincial and district council elections, article 14 of the Electoral Law refers the matter to the said article in the Constitution, stating that persons meeting the eligibility criteria set in article 85 of the Constitution, can nominate themselves for National Assembly, provincial council, or district council elections.

- Clause 4 of Article 21 in the Electoral Law needs to be amended. It states that if a winning candidate is not able to take his/her seat or abandons his/her seat prior to the term of the WJ, the vacant seat shall be awarded to the next most voted candidate from the same sex. This provision provides the motivation for the assassination of the winning candidates. By the same token, clause 2 of article 29 and section 2 in clause 2 of article 32, which make a similar provision in relation to provincial council and district council candidates respectively, should be amended. This is to deny the losing candidates the motivation and chance to win seats in the aforementioned elective institutions by resorting to violence and murdering the winning candidates.
- There is a need for a change in the way the handicapped voters are assisted by the polling station chairperson. We believe this assistance should be provided in the presence of an observer, as there have been cases where the polling station chairperson has misused this opportunity.
- Many candidates and people have complained about the complexity of the language used in the Electoral Law. Therefore, it is recommended that the election administration try to simplify the language of the law to make it more understandable for the citizens of the country. The same issue needs to be taken into account in preparing election regulations and procedures.
- Holding standard elections requires implementing all the relevant electoral rules, regulations, and procedures and meeting all the timelines envisaged in the law. During the recent elections, unfortunately, some timelines and regulations were not upheld. For example, article 34 of the Electoral Law required the JEMB to publish the lists of voters for public inspection, but this did not materialize.
- Decisions of an election commission must be timely and easy to implement and should be taken into account when preparing electoral procedures. For example, a JEMB decision to start polling at 7:00 a.m. was later substituted by another decision which specified that polling would start at 6:00 a.m. This later decision, however, was taken so late that a majority of polling staff did not know about it and therefore could not implement it.
- We recommend that when preparing electoral regulations and procedures, the IEC undertake more consultations with civil society organizations, especially with observer entities.

- The FEFA also recommends that more effective mechanisms be developed for informing the public of the information and issues related to the decisions made and procedures adopted by the election commission.

b) On the recruitment of election staff

One of the major issues facing the election administration during the recent elections was the issue of recruiting staff. This was due to the fact that, inevitably, a majority of election staff were one way or another related or linked to one or more candidates, which resulted in diminished voter and candidate trust in the process and its secrecy. To help resolve this situation, we would like to make the following recommendations:

- The continued employment of the existing election staff, especially provincial and senior officials, should be reconsidered as they are accused of incompetence, bribe-taking, and corruption by the people. Their retaining in the same position will mean further reduction in public trust in election administration;
- One of the major issues that should have been pursued during the two recent elections was to encourage the spirit of voluntary work among people to carry out electoral activities. Unfortunately nothing was done in this regard and the election staff were paid extortionately high salaries. An effort should be made to foster this spirit among people and to use teachers, students and other intellectuals for the conduct of electoral affairs;
- The recruitment process should be transparent and the impartiality of the employees be verified through careful scrutiny. Some election staff were either under-educated or under-age. The election commission can seek assistance from civil society organizations in this regard;
- The recruitment of staff must be done well in advance so that the new employees have enough time to be trained in election principles and procedures. In some cases, the employees were recruited only one or two days prior to polling, which considerably reduced their ability to perform their tasks well;
- The IEC's recruitment policy should be changed to allow for the selection of senior provincial staff for a given province from another one. More junior district staff should also be employed in a district other than their own. This is to help reduce irregularities that may arise as a result of family or regional connections between election staff and the candidates, and also the likelihood of the former being threatened or influenced by the latter. The same approach should be undertaken

when it comes to the recruitment and deployment of security personnel.

c) On training and civic education

i. Voter information and civic education

In order to improve the efficacy and success of voter information and civic education programs, the FEFA make the following recommendations:

- Civic education programs have up to now been conducted only during elections. However, in order for these programs to be effective in promoting public understanding of elections and electoral affairs, they need to be long-term and continual;
- Civic education programs have, for various reasons, not been implemented in some parts of the country, especially in rural and far-off areas. We recommend that these programs are expanded to cover all areas of the country and be implemented in line with the traditions and customs of each area;
- The Ministry of Education should name one week during the academic year as the Elections Week. During this week a special syllabus on elections can be taught to school students alongside their normal subjects to raise their awareness and understanding of elections;

ii. **Training election staff**

- For training programs to be more effective, the selection and recruitment of election staff needs to be done at the earliest possible;
- During the training programs, in addition to teaching technical issues, respect to the principle of impartiality should be emphasized. Election staff should know that they have an extremely important national duty on their shoulders and that the smallest mistake or misdemeanor on their part can lead to the legitimacy of the whole process being called into question. They should also have a clear understanding of and respect for their respective line of command and take orders only from their senior election managers and not from anyone else. This is especially important in the light of the fact that some election staff have been seen taking orders from candidates, agents, or even the police;

- Election staff should also receive adequate training about the role of observers. We recommend that in the same way that the FEFA invited election management to its training programs in the capital and provinces to explain election regulations and procedures, the election administration should invite observer entities to their training programs. This way, the staff being trained will get a better understanding about the role of observers in the elections
- Training programs should be carried out over an extended period of time and should include evaluation and assessment. A final training round should be undertaken close to the polling day, during which the latest information on elections and the changes to the procedures should be brought to the attention of the trainees. This could also serve as a session for reviewing previous training programs;
- The election commission should prepare abridged manuals for its staff containing clear descriptions of each election staff's responsibilities. These manuals could be useful sources of reference and can be used by the staff in case they face a problem in terms of the procedures.

iii. Awareness-raising among candidates and their agents

- As the most important stakeholders in the election process, candidates need to have adequate information about the Constitution, the Electoral Law, electoral regulations and procedures, and the decisions of the electoral administration. Therefore, there is a need for continued programs and seminars to be organized with the aim of promoting candidates' understanding of the Constitution, the Electoral Law, other relevant governing laws in the country;
- The election administration should organize meetings in the capital and other provinces in which to exchange ideas and views with regard to the concerns of the candidates and how best to address them. New decisions and initiatives of the elections administration should be clearly communicated to the candidates for their information. This will enhance the level of candidates' understanding of the election process;
- In cooperation with civil society organizations and the candidates themselves, training programs should be organized for observers and agents, in which to explain their legal roles, authorities, responsibilities, as well as electoral offenses and irregularities and other essential issues.

iv. Educating police forces in charge of maintaining security at polling facilities

In order for the election process to be conducted in a better fashion, the election administration, acting in close cooperation with security authorities, should provide adequate information to the police and other security forces tasked with providing securing for polling facilities about how to discharge their duties. As witnessed on the Election Day, in some polling centers the police in charge were unaware of their legal responsibilities and either interfered with the polling process or prevented observers from entering the centers.

d) Recommendations on the registration process

As recommended earlier, in order to enhance the effectiveness of the electoral process, the election administration, in cooperation with the Statistics Office under the Ministry of Economy and with the Ministry of Interior, should start working on the establishment of a new project for distributing national ID cards (This shall be explained more in the section containing recommendations to the Government.). A national ID card system would enable the election administration to prepare permanent voters' lists, which would in turn give it the possibility to know the exact number of potential voters in each electoral constituency, facilitating its work to a great degree. Therefore, we recommend that until such time as the issues surrounding district borders are resolved, the IEC focus its attention on this particular issue.

e) On candidate nomination

- When registering persons as candidates, the IEC should make sure that they have all the criteria required under the Constitution and other relevant laws of the country to prevent human rights violators and criminals from standing for office. This should be given adequate attention during the district council elections, when a larger number of candidates are expected to put their names forward;
- During the recent elections, the requirement of article 15 of the Electoral Law about the resignation of certain categories of public officials was ignored in some cases. We recommend that the IEC pay more attention to the legal requirements for candidacy when accepting nomination papers;
- Also, the public would like additional and more effective criteria, such as education, literacy, etc, to be introduced for election candidates.

f) On election campaign

- The IEC and the ECC should monitor the campaign financing to ensure that it is in conformity with the relevant regulations;
- The IEC and the ECC should investigate electoral offenses, such as campaigning during the silence period, using public resources for campaign purposes, organizing campaign events on ethnic, language, and religious lines, and should take legal action against the offenders.

g) On the removal of campaign materials

The IEC should develop a regulation on the development, dissemination and placement of candidates' campaign materials. Once such a regulation is in place, the problem of the existence of campaign materials on polling facilities and within the 100-meter banned area around them would not occur. The regulation should ban the placement of campaign materials on buildings, traffic signs and other signs, when this disrupts the beauty of the buildings or the identity of the signs.

h) on polling

(i) On the location and distribution of polling centers

The location and distribution of polling centers is key to facilitating the voting process. The FEFA would make the following recommendations in this regard:

- Polling centers should not be located in candidates' houses;
- In some parts of the country, especially in the south, there are chronic feuds between the tribes living in close proximity to each other. In these areas movement of members of a tribe to the territory of hostile tribe creates enormous problems and may lead to the person being killed. Therefore, it is important that in the future the election administration takes account of this issue when distributing polling centers. During the recent elections, failure to notice this same issue led to the disenfranchisement of some potential voters;
- The fact that Kuchi polling stations were separate from the non-Kuchi stations meant that some Kuchis were either disenfranchised or had to vote for non-Kuchi candidates. For the future, we recommend that the polling stations should not be separate and only separate ballot boxes should be used.

- As was the case during Presidential elections, special voting facilities should be provided for the hospitalized and the incarcerated as these, like ordinary citizens, have the right to decide their political fate by casting their votes;
- With regard to the number of polling centers, we recommend that in the future the number of polling centers, with each having fewer number of stations, be increased so that they are closer to potential voters;
- The internal set-up of polling centers and stations needs to be reviewed. During the recent elections, a majority of polling stations were set up in such a way that voters got the ballots from one station and cast it in another one. Furthermore, some polling screens were placed in locations that did not protect secrecy of the vote.

(ii) On the opening and closing of polling

The election administration should decide on the opening and closing hours of polling keeping in mind the time of the year when the elections are to take place and communicate the same to the public. Any possible later change in polling hours should be made well in advance to allow voters and polling staff to become aware of it.

(iii) On election materials

- We recommend that the use of indelible ink for preventing multiple voting be continued. The distinctions between the genuine ink and different forms fake ink should be made clear enough to prevent the use of the latter during polling;
- Despite all the efforts to produce manageable ballot papers, many voters had difficulty finding their favorite candidates on the ballot. Some spent too much time behind the polling screen trying to find their candidate of choice, but having failed to do so cast a blank vote. It is recommended that in future elections when there are large numbers of candidates, other methods be explored for ballot paper format;
- The election administration should develop a more efficient mechanism for the issuance and distribution of observers' ID cards. This was one of the vexing issues facing observers in the days ahead of the Polling Day. In some provinces, for instance, FEFA

observers got the form of ID cards that were to be used specifically by candidate agents. This could easily undermine the impartiality and independence of our observers;

- The production and the quantities of polling materials, especially ballot papers, should be based on exact calculations. The election administration should make reasonable efforts to encourage the necessary investments in the country for the internal production of ballot papers for future elections;
- The strategy used for the delivery of polling materials to polling centers worked well this year. Still, there were polling stations which did not receive the materials on the pre-determined time. We hope that the strategy will still be improved on for future elections;
- In order to prevent any form of fraud following the close of polling, it is recommended that each polling center chairperson count all the unused ballot papers, record the number on the relevant forms and then invalidate and torn them off in the presence of observers and agents;
- The polling procedures stipulated that a ballot paper marked by anything but the pen or the marker available behind the polling screens shall be invalidated. As mentioned earlier, however, it became evident during the count that ballot papers had been marked by a variety of pens and markers. Therefore, it is recommended that in the future the election administration use a special marker with a single type and color.

i) Recommendations on the retrieval of ballot boxes and counting

- With a view to prevent the possibility of any form of fraudulent action during the transfer of ballot boxes to count centers, we recommend that during the upcoming district council elections, the election administration conduct the count in district centers. By the same token, it is recommended that during the upcoming presidential elections, the counting take place in polling centers and stations in accordance with a clear and transparent set of procedures;
- The election administration should develop and implement a clear, transparent and fair mechanism for dealing with quarantined ballot boxes and make sure that it gets properly implemented in count centers;
- Additionally, the reasons for the quarantining of the ballot boxes should be explained to observers and agents, who should also be kept

informed of the investigation process. This is to ensure the transparency of the court process.

- We recommend that in future elections, if the election administration finds out that the level of fraud in a certain area, district, or province has been exceptionally high, it should conduct a re-poll in the concerned location. This, of course, depends on the degree to which the election commission is prepared to conduct a re-poll.

j) Recommendations on dealing with electoral offenses

- We believe that punishing electoral offenders will have a strong deterrent impact on the potential perpetrators of electoral offenses in the future and would also represent a positive step in protecting the lawfulness of the elections. Therefore, the mere dismissal of the staff implicated in electoral fraud is not enough;
- The FEFA believes that not only offending staff but also offending candidates, agents, police officers, and other perpetrators of electoral offenses should be punished.

2) Recommendations on dealing with electoral complaints

- The FEFA supports the establishment of a permanent commission with legal jurisdiction for adjudicating electoral offenses and complaints;
- This commission should have extensive jurisdiction over electoral cases and its members should be appointed from among impartial personalities in consultation with the Afghan Independent Human Rights Commission, the Supreme Court, and civil society organizations;
- The commission should develop a regulatory framework for its activities utilizing the procedures and regulations used by the current Electoral Complaints Commission as a basis;
- The existence and legal jurisdiction of the commission in adjudicating electoral complaints and offenses should be properly communicated to all the stakeholders;
- It is important that the public get informed of the way electoral cases are being dealt with. Therefore, the commission should, from time to time, inform the public of its decisions and activities. This way, the transparency of the commission's work in dealing with the electoral cases would not be called into question;

- The work of the commission in adjudicating electoral cases should be subject to monitoring by independent observers to ensure that addressing electoral offenses is being done in a fair and transparent fashion. This would build confidence in the work of the commission;
- Complaint forms should be simplified as they were too complicated for some complainants to be filled out properly;
- Provincial offices of the ECC should be separate from the provincial election commissions so that its institutional independence is not called into question;
- The ECC requires sufficient time to effectively deal with electoral offenses and complaints. This point should be taken account of in all the relevant electoral decisions and activities so that the process of addressing electoral complaints does not suffer from the lack of time.

3) Recommendations for the National Assembly

- The National Assembly should help the Government demarcate the borders of local administrative units. This is to ensure that the process of setting electoral constituencies and the allocation of seats based on the population of each electoral constituency will not give rise to any objections;
- The National Assembly should also reconsider the current electoral system in the country, selecting in its place a more effective system from among the ones common in countries with similar conditions to Afghanistan to ensure it is more in line with the needs of the country.

4) Recommendations for the Government

The Government is responsible for preparing the right conditions for the successful implementation of the elections. The election commission would only then be able to hold the elections in a free and fair environment that would guarantee the rights of both electors and the elected.

The FEFA would like to make the following recommendations to the Government. We are quite certain that if these recommendations are acted upon, they would lead to positive results not only in the area of elections but in other areas as well:

i. In the area of security

- One of the major challenges facing the elections held in Afghanistan during the course of past two years has been the transfer of polling materials from polling centers to counting

centers. This has consistently been one of the most difficult phases of the electoral process for the election commission. If security situation across the country is improved in a sustainable manner, the counting of votes can be done at polling centers and stations. In addition to improving the transparency of the election process, this would save the election administration the extortionate costs of transferring ballot boxes to count centers as well as those of recruiting thousands of counting staff.

- Security measures that the Government adopts should include the periods before, during and after the polling and not only the Election Day. This is to make sure that no one gets intimidated, or killed because of expressing their views or exerting their political rights. The Government should also expedite the process of disarming and disbanding illegally armed groups, who are still dominating the lives of people and constitute the major source of insecurity in the country.
- Police and security forces responsible for the safe-keeping of voters, candidates and the electoral process at large should not turn into a source of insecurity and intimidation. The Government should take necessary disciplinary measures against the offenders.

ii. In the area of judiciary

An independent judiciary is a major characteristic of democratic systems which ensures the principle of justice in the society. Democratic systems normally use the judiciary as a means of developing and elevating society and individual citizens through administering justice. This state can only be achieved if the judicial system deals with the cases that fall within its domain with thorough integrity.

One of the major issues that surfaced during the recent elections was the concept of conviction. According to the law, the disqualification of candidates accused of past criminal activities, could only be done if the ruling of an authorized court was there. This is in spite of the fact that no one has yet been convicted of crimes against humanity in Afghanistan. One of the major obstacles impeding the ECC in its dealing with the complaints and challenges, many of which had to do with past crimes, was the absence of any court ruling about the candidates accused of being involved in them. This led to the impression among many complainants that the ECC was not heeding their complaints.

Therefore, it is recommended that a transparent judicial mechanism be put in place, the reform process in the justice sector be expedited, all cases of past

crimes be properly addressed, and the Government live up to its promises regarding the upholding of justice.

iii. On the Census

Another major problem facing these elections was the absence of exact population figures, on the basis of which to allocate seats to provinces. The recent household survey did not meet the approval of the residents of most parts of the country. The JEMB allocated seats on the basis of figures which had been obtained by combining population figures from the recent household survey with those used for the allocation of seats during the Constitutional Loya Jirga, and those from the 1978 census and then working out the average. This formula, quite obviously, cannot be valid in the future, hence the need for the Government to do a census of the country's population.

The election commission will also need a permanent voter registry containing the names of all those eligible to vote in elections. The voter registry can be updated before any electoral event and used to create a voters' list for each polling center. This way, the election administration will get an exact idea of the number of voters that will probably turn up in each polling center.

Therefore, we reiterate our previous recommendation with regard to the development of a national ID system. We believe that a committee with membership from the IEC, the Ministry of Interior, and the Central Statistics Office under the Ministry of Economy, should draw up a coordinated and effective plan, keeping in mind the resources of the country, for the production and distribution of national ID cards nationwide. Prior to the actual launching of such a project, a public information campaign should be undertaken to explain to the public the importance of the process and the way the registration and distribution phases would be implemented. This project, if executed, will bring about the following benefits:

- The exact population of each administrative unit, the Kuchi community, and that of the whole country would be known;
- The total number those eligible to vote across the country would be known and voters lists can be created;
- The costs incurred prior to each electoral event to correct and distribute voter ID cards would be saved;
- The existence of a national ID system would considerably reduce the possibility of multiple voting during the elections;
- Such a system would also remove any necessity to forge voter ID cards;
- It would increase the accuracy of individual identification.

5) The International Community

With the holding of Wolesi Jirga and Provincial Council elections, the Bonn process comes to a completion. However, Afghanistan will still need the continued support of the United Nations and the international community in the years to come for it to be able to meet the challenges it is still facing. Therefore, we would like to draw the attention of the United Nations and the international community to the following:

- The United Nations and the international community need to continue to provide technical and financial support for the upcoming elections in Afghanistan to help strengthen democracy in the country. We believe that they should support the Afghan nation and Government in strengthening peace and stability, implementing the disarmament process, administering justice, and in eradicating the cultivation and trafficking of narcotics. They should also help strengthen civil society organizations to enable them to play a more effective role in the intellectual rebuilding of the Afghan nation.
- Now that Afghanistan has re-established its National Assembly following long years of war and conflict, The FEFA expects the United Nations and the international friends of Afghanistan to help launch effective programs for building the capacity of its members so that it can fulfill its huge obligations before the people, the country and democracy in the best possible manner.
- The FEFA expresses concern over the limited presence of international observers during the recent elections in Afghanistan. We expect them to participate more effectively and in greater numbers in future Afghan elections. Their presence, we believe, would be significant in promoting and strengthening our nascent democratic system and the experience and capacity of domestic observers. It would also yield greater coordination and unity among observer groups in their common efforts for improving electoral processes across the world.

6) Recommendation for Institutions Working to Improve the Capacities of Women

As half of our society, women have suffered a lot of oppression and hardship during the long years of war and conflict. While following the establishment of the interim administration, numerous positive changes have occurred in the lives of women, more effort is needed to help women become fully active in all aspects of life, alongside men.

The courageous participation of women in the past two electoral processes not only as voters but also as candidates has been a great positive step towards strengthening democracy in the country. The fact that during the recent WJ elections in Herat province, a female candidate emerged as the most-voted candidate is proof of this positive trend.

Having said that, it should also be noted that in some parts of the country, either candidates or their supporters took advantage from the illiteracy of some female voters. Also, in a number of cases female voters were forced by their husbands or family members to vote for particular candidates.

Therefore, organizations whose aim is to promote women in society should try to put more time and efforts into trying to organize basic literacy courses for women with a view to educating them and building their capacity and skills. They should also encourage women to participate more extensively in the electoral events, while at the same time educating them on the importance and basic principles of elections to prevent their votes from being misused.

7) Recommendations on Media Role

Media can play an effective role in promoting public understanding of an electoral process. This became quite clear during the recent elections, when the media played a key part in informing the public of the significance and principles of elections on the whole, the events during the political campaign, the Polling Day, and the count process. The FEFA recommends that the media should continue to play an active role in informing people of the different aspects of an electoral process, including the electoral law, electoral procedures, decisions of the election commission, adjudication of electoral complaints and challenges, etc.

Part Two

Introduction of FEFA's Plan for Implementation of Observation Program during the Parliamentary and Provincial Councils Elections

As mentioned earlier, FEFA's Core Group for observation of Parliamentary and Provincial Councils Elections process decided that the foundation should only observe voting and counting stages regularly and systematically, while rest of the stages, such as registration of the voters, registration of the candidates and elections campaign period should be observed in a symbolic and mobile form.

Therefore, the plan was designed and implemented in such a way that:

For the purpose of implementation and accomplishment of operational affairs of observation process, it was decided that the practical operation, in accordance with the available facilities and capabilities, should be accomplished by the partner institutions. FEFA's role was comprising: provision of operational funds for its partners, basic training for the provincial trainers introduced by partner institutions, provision and dispatch of directions and training materials in addition to the check lists for regional trainers and the observers being recruited and appointed by them, training their provincial financial and administrative staff on use of funds and financial reporting to the central office, receiving observation reports from them to publish and prepare the final and joint financial and administrative reports.

Similarly, regarding expansion of observation boundary it was decided that:

- All 34 provinces of the country should be covered by operational plan.
- Keeping the facilities and capabilities in view, total of 217 districts out of the existing districts, which will also include center of the provinces, should be covered by observation program. It will make 55% of area of the country. Kabul, Balkh, Nangarhar, Qandahar and Herat Provinces are from those provinces that were completely covered by the program.
- Observation program of FEFA should cover 65% or more of the polling centers.
- Two observers should be charged with observing each polling center; consequently, the total number of observers can be determined on the basis of number of the polling centers to be observed.

In order to materialize the operational plan systematically, FEFA prepared a schedule to adapt its operations and performances accordingly. The schedule and work plan along with adjustment of the sections and definition of the geographically covered program areas (provinces and districts), identification of program areas of each partner institution, number of observers and number of polling centers and polling stations having been observed during the three stages of polling (beginning, course of process and end) have been assessed and analyzed in the next pages.

1. FEFA's observing operational plan of parliamentary election.

FEFA Timeline (2005 Parliamentary Elections)		10-16 Jul	17-23 Jul	24-30 Jul	31 Jul - 06 Aug	7-13 Aug	14-20 Aug	21-28 Aug	28 Aug-03 Sep	4-10 Sep	11-17 Sep	18-24 Sep	25 Sep-01 Oct	2-8 Oct	9-15 Oct	16-22 Oct	23-29 Oct	30 Oct - 05 Nov	6-12 Nov	13-19 Nov	20-26 Nov	27 Nov- 03 Dec	04- 10 Dec	11-17 Dec	18-24 Dec	25-31 Dec	
1	MOU with Partners																										
2	Brief heads of partner org. on FEFA																										
3	Recruit Master Trainers																										
4	Train Master Trainers																										
5	Train Provincial Finance Officers																										
6	Recruit District Trainers																										
7	Train District Trainers																										
8	Recruit Observers																										
9	Train Observers																										
10	Final briefing of observers																										
11	Observe the elections																										
12	Observe the counting																										
13	Report Voting Observations																										
14	Report Counting Observation																										
15	Final Report																										
16	Provincial council election for Meshrano Jerga seats																										
17	Prepare and Submit FEFA plan for post election																										

2. Organizing of sections:

1. Acceptance of partner agencies:

For accomplishing of operational plan according to FEFA's statute, totally 25 organizations were accepted by FEFA's core-group members as a partner agencies which were none partisan and dispassionate. From this number 9 of them were FEFA's establishers perhaps 16 other organizations were those agencies whom were FEFA's partner on presidential election and also some new organization who were newly applied for FEFA's partner ship. And on 14 July the contract was assigned with the mentioned agencies.

List of FEFA's establishers members whom were part of FEFA's partner organizations as well.

1	ACSF	Afghan Civil society Forum
2	ADA	Afghan Development Association
3	AWN	Afghan Women's Network
4	FCCS	Foundation for Culture & Civil society
5	COAR	Coordination of Afghan Relief
6	ECW	Education Training center for poor women and girls of Afghanistan
7	MSCO	The morning social and cultural organization
8	THRA	Training Human Rights Association (for Afghan Women)
9	DSM	Democratic Students Morality

List of those organizations which were FEFA's partner excluding of FEFA's partner establisher members

1	ANPA
2	RSA
3	AWSE
4	JACK
5	AOHREP
6	ISPRCA
7	AAYR
8	PJF
9	ARE
10	BAHIR
11	AJA
12	SRP
13	ANCB*¹
14	HPS
15	T U
16	GHYSA

ANCB was also participating in this national process by its collaborator organizations which are following mentioned:

1. ABC
2. ACT

2) Report on Conducting Training Programs and Presenting the Final Information to Master Trainers, Trainers and Observers

- According to the agreement between FEFA and its partner organizations, 37 master trainers (one master trainer for each province and four master trainers for Kabul Province) were introduced by partner organizations. A three day training program, July 26th, - 28th; was organized for them by FEFA.
- On July 29th, the master trainers departed for the relevant provinces and started selecting and recruiting trainers in those provinces.
- Since the operational plan had expanded and number of the provinces to be covered by the process had increased in all the provinces, FEFA asked its partner organizations to introduce one more trainer in each province, in addition to the already introduced ones. Training program for the newly introduced 34 trainers was held from Aug. 9th – 11th at FEFA Headquarters.
- After the master trainers returned to their relevant provinces, definite number of trainers (as FEFA had specified for its partner organizations) was recruited in those districts that had to be covered by observation program and according to the following schedule, training programs for the trainers were held in all the provinces of the country, on different dates. Even though according to the work plan training program for the district trainers should have ended on Aug. 25th; since operational plan of FEFA had expanded and the number of districts to be covered by observation program had increased, recruitment of the trainers took much longer time.
- From Aug. 31st to Sep. 4th, list of the observers and Form A02 (the form that had to be filled in for getting accredited) from all over the country were submitted to JEMB's provincial offices by master trainers and the provincial authorities to achieve the accreditation cards.
- Training program for the observers was accomplished in 34 provinces (217 districts) on different dates, which have entered in the following table.
- The final information was presented to the observers, a day or two days before the elections, by the concerned trainers and the observers were assigned to those centers whose list was prepared by JEMB. Two observers (one man and one woman), having the observation questionnaires (about the three stages: beginning, course of polling and end) with themselves, were assigned per each polling center. In some provinces and districts, where the number of polling centers was more than what had been estimated and expected by FEFA, one observer, either male or female (according to the situation of polling center, depending on whether it had polling stations for men or women) was assigned per polling center.
- The observers inspected and confirmed the polling centers one day prior to the Elections Day (EDay so that they might not face any problems on EDay. As some of the centers were not set up at location which had been listed by JEMB and some of them did exist at all, the mater was reported to the concerned trainer; consequently, the observers were assigned to different polling centers.

Training Dates of Master Trainers, District Trainers & Observers.

S/N	Province	Date of receiving badge	Date of master trainers training		Training date for district trainers	Training date for observers
			For master trainers first session	For master trainers second session		
1	badkshshan	10 Sep	28 – 26 July	11 – 09 Aug	26-28 Aug	15-8 Sep
2	Badghis	15 Sep			10-12 Aug	13-14 Sep
3	Baghlan	16-17 Sep			24-26 Aug	14 Sep
4	Balkh	15 Sep			21-23 Aug	30 Aug – 2 Sep
5	Bamyan	14 Sep			18-20 Aug	8-7 Sep
6	Farah	15 Sep			22-23 Aug	03 Sep
7	Fariab	15 Sep			23-25Aug	15-14 Sep
8	Ghazni	18 Sep			4-3 Aug	13-15 Sep
9	Ghoor	06 Sep			16-18 Aug	08-07 Sep
10	Herat	17 Sep			22-23 Aug	08-05 Sep
11	Hilmand	16 Sep			30 Aug	13 Sep
12	Jawzjan	13 Sep			25-28 Aug	10-11 Sep
13	Kabul D1	15 Sep			28-30 Aug	13-14 Sep
Kabul regions	D2	15 Sep			28-30 Aug	13-14 Sep
	D3	14 Sep			28-30 Aug	14-15 Sep
	D4	14 Sep			28-30 Aug	14-15 Sep
	5	14 Sep			28-30 Aug	14-15 Sep
	6	14 Sep			28-30 Aug	14-15 Sep
	7	14 Sep			28-30 Aug	14-15 Sep
	8	15 Sep			26-24 Aug	8-9 Sep
Kabul Regions	9	15 Sep			24-26 Aug	8-9 Sep
	10	15 Sep			27-29 Aug	14-15 Sep
	11	15 Sep	27-29 Aug	14-15 Sep		
	12	15 Sep	27-29 Aug	14-15 Sep		
	13	15 Sep	27-29 Aug	14-15 Sep		
	14	15 Sep	27-29 Aug	14-15 Sep		
	15	15 Sep	27-29 Aug	14-15 Sep		
	16	15 Sep	24-26 Aug	8-9 Sep		
	17	15 Sep	24-26 Aug	8-9 Sep		
	18	15 Sep	24-26 Aug	8-9 Sep		
	19	15 Sep	27-29 Aug	14-15 Sep		
	20	15 Sep	27-29 Aug	14-15 Sep		
	21	15 Sep	27-29 Aug	14-15 Sep		
	22	15 Sep	27-29 Aug	14-15 Sep		

S/N	Province	Date of receiving badge	Date of master trainers training		Training date for district trainers	Training date for observers
			For master trainers first session	For master trainers second session		
Kabul districts	Bagrami	11 Sep	28 –26 July	11 –09 Aug	27-29 Aug	14-15 Sep
	Char asyab	10 Sep			27-29 Aug	12-14 Sep
	Deh sabz	14 Sep			28-30 Aug	14-15 Sep
	Farza	16 Sep			27-29 Aug	13 Sep
	Gul dara	11 Sep			27-29 Aug	14-15 Sep
	Istalf	16 Sep			27-29 Aug	13 Sep
	Kalakan	16 Sep			27-29 Aug	13 Sep
	Khake jabar	15 Sep			27-29 Aug	13 Sep
	Merbacha kot	15 Sep			27-29 Aug	13-14 Sep
	Mushi	15 Sep			27-29 Aug	12-14 Sep
	Paghman	14 Sep			27-29 Aug	10-12 Sep
	Qara bagh	17 Sep			27-29 Aug	12-13 Sep
	Shakar dara	17 Sep			27-29 Aug	12-13 Sep
	Sorobi	15 Sep			27-29 Aug	13 Sep
14	Kapisa	16 Sep			18-23 Aug	16 Sep
15	Khost	16 Sep			27-29 Aug	07-13 Sep
16	Kunar	17 Sep			22-24 Aug	15 Sep
17	Kunduz	15 Sep			24-26 Aug	13-14 sep districts 3-4 sep center
18	Laghman	17 Sep			22-24 Aug	15 Sep
19	Logar	10 Sep			18-20 Aug	10-14 Sep
20	Nangarhar	17 Sep			22-24 Aug	07-15 Sep
21	Nooristan	2 Sep			21-23 Aug	30-31 Aug
22	Paktika	15 Sep			09-07 Sep	12-13 Sep
23	Paktiya	17 Sep			25-22 Aug	15 Sep
24	Panjsher	07 Sep			30 Aug	15 Sep
25	Parwan	16 Sep			05 Sep	13 Sep
26	Samangan	16 Sep			17-15 Aug	13-15 Sep
27	Sari pul	15 Sep			18-20 Aug	14-15 Sep
28	Takhar	15 Sep			18-20 Aug	25-30 Aug
29	Wardak	16 Sep			18-16Aug	11 Sep
30	Zabul	16 Sep			30-28 Aug	13-14 Sep
31	Daiykundi	15 Sep			06 Aug	09 Sep
32	Khandahar	16 Sep			25-28 Aug	28 Sep
33	Nimroz	17 Sep			25-28 Aug	12 Sep
34	Uruzgan	15 Sep			24-23 Aug	03 Sep

3. Stabilizing of humanitarian and regional facilities (Geographical and number of polling centers)

A – Voting process:

The following table is showing amount of FEFA's operational plan number of provinces, districts, partner agencies including their operation area and number of observers, observed polling centers and polling stations with in three electing process(before opening, voting and closing processes) during election day

S/N	Province	Observed Districts	Implementing agencies & implementers of observing operation plan for WJ and PC Elections (FEFA's Partner)	Studying the number of observers per province within three election process			Studying the number of Polling centers per province within three election process			Studying the number of polling stations per province within three election process		
				Opening	Voting	Closing	Opening	Voting	Closing	Opening	Voting	Closing
1	Badkshsh an	Baharak	ARE	79	78	79	60	60	60	141	172	102
		Faiz Abad										
		Kashm										
		Tagab										
2	Badghis	Ab kamari	AOHREP/TU	140	140	140	88	88	88	140	366	366
		Qadis										
		Qala-I-- Now										
3	Parwan	Bagram	AOHREP	206	206	206	103	103	103	336	339	336
		Charikar										
		Jabulsaraj										
		Saikh Ali										
		Salang										
		SayeedKhel										
		Shinwari										
Surkh e Parsa												
4	Zabul	Qalat	AOHREP	22	22	22	16	16	16	53	53	53
		Jaldak (share safa)										
5	Hilmand	Kaj Aki	TU	116	116	116	58	58	58	116	287	116
		Lashkar Gah										
		Naw Zad										
6	Dai kundi	Nile	TU	18	18	18	9	9	9	18	18	18
7	Baghlan	Baghlan Jadid	ECW	189	189	189	95	95	95	189	414	189
		Doshi										
		Khinjan										
		Nahrin										
		Pulikhu mri										
TalawaBarrak												
8	Kunduz	Ali Abad	ECW	392	392	392	392	392	392	658	660	658
		Char Dara										
		Dashti Archi										
		Imam Sahib										
		Khan Abad										
		Kunduz Markaz										
Qala-e-zal												
9	Ghazni		RSA	201	212	211	186	197	197	202	420	213

Ghazni

S/N	Province	Observed Districts	Implementing agencies & implementers of observing operation plan for WJ and PC Elections (FEFA's Partner)	Studying the number of observers per province within three election process			Studying the number of Polling centers per province within three election process			Studying the number of polling stations per province within three election process		
				Opening	Voting	Closing	Opening	Voting	Closing	Opening	Voting	Closing
		Centre Khoja / Omari Qarabagh Waghaz JAGHUR I										
10	Balkh	Balkh Charbolk Charkent Chemtal Dawlatabad Dehdadi Kaldar Keshendeh Kholm Marmul Mazar-I-Sharif Nahr-I-Shahi Sholgara Shortipa Zareh	FCCS	426	428	426	260	260	260	426	901	426
11	Fariab	Andkhoy Dawlat Abad Khaja Sabz Posh Maimana Pshton kot Shirin Tagab	FCCS	164	164	164	87	87	87	164	318	164
12	Khost	Bak Lakan Matoon Nadir Shah Kot Sabari / Yaqubi Spera	FCCS	120	152	152	76	76	76	228	190	152
13	Paktika	Sharan Urgon	FCCS	94	94	94	47	47	47	112	112	112
14	Samangan	Hazrat e Sultan Markaz e Wollayat	ANPA	110	110	110	29	29	29	123	123	123
15	Takhar	Baharak Cha Ab Dash Te Qala Farkhar Khoja Bahawdin Rustaq Talaqan	DSM	218	216	218	117	117	117	221	724	221
16	Nengerhar	Achin Batti Kott Behsood	THRA	828	925	827	406	406	406	701	1532	761

S/N	Province	Observed Districts	Implementing agencies & implementers of observing operation plan for WJ and PC Elections (FEFA's Partner)	Studying the number of observers per province within three election process			Studying the number of Polling centers per province within three election process			Studying the number of polling stations per province within three election process		
				Opening	Voting	Closing	Opening	Voting	Closing	Opening	Voting	Closing
23	Nooristan	Alam	AAYR	80	80	80	40	40	40	105	105	105
		Kamdesh										
		Paroon										
24	Kandahar	Wama	ADA	220	260	221	99	99	99	266	266	266
		Arghandab										
		Daman										
		Espeen Boldak										
		Kandahar City										
		Kandahar Dand										
		Maiwand										
		Maroof										
		Panjwai										
		Shah Wali Kot										
25	Nimroz	Zaranj	ADA	16	30	16	7	7	7	30	30	30
26	Farah	Farah center	ADA	50	50	50	25	25	25	50	64	50
27	Uruzgan	Dahrawod	ADA	46	46	46	4	4	4	31	31	31
		Tabrenkot										
28	Kabul	1	AJA	826	1074	1074	464	577	577	2181	2759	2085
		2										
		3	MSCO									
		4										
		5										
		6										
		7										
		Deh Sabz										
		8	GHYSA									
		9										
		16										
		17										
		18										
		10	ANPA									
		11										
		12										
		13										
		14										
		15										
		19										
		20										
		21										
		22										
		Bagrami	JACK									
		Guldara										
		Char Asyab	AAYR									
Musahi												
Khaki Jabar	ISPRCA											
Surobi												
Farza	AOHREP											
Istalif												
Kalakan												
Mirbachakot	TU											
Paghman	AWN											
Qarabag	SRP											

S/N	Province	Observed Districts	Implementing agencies & implementers of observing operation plan for WJ and PC Elections (FEFA's Partner)	Studying the number of observers per province within three election process			Studying the number of Polling centers per province within three election process			Studying the number of polling stations per province within three election process		
				Opening	Voting	Closing	Opening	Voting	Closing	Opening	Voting	Closing
29	Herat	Shakar Dara	HPS	702	705	702	423	423	423	702	1372	702
		Adraskan										
		Chist-I-Sharif										
		Ghuryan										
		Gulran										
		Karukh										
		Kushk Kohna										
		Obe										
		Pashtun Zargun										
		Shindand										
		Zinda Jan										
		Enjil										
		Farsi										
		Gozara										
		Kohsan										
Koshk R S												
		Province Center										
30	Ghoor	Chegh Chiran	HPS	70	84	73	40	40	40	70	109	70
		Shahrak										
31	Paktiya	Ahmad Abad	BAHIR	304	304	304	140	140	140	464	464	464
		Ahmad Khel										
		Gardez										
		Girda Serai										
		Jaji Aryoub										
		Sayed Karam										
		Zurmat										
32	Panjsher	Bazarak	PJF	16	16	16	12	13	12	16	59	16
		Rokha										
33	Bamyan	Bamayan Centre	AWSE	160	160	160	87	87	87	218	218	218
		Shibar										
		Saighan										
		Yakawlan g										
		Kohmard										
34	Saripol	Balkhab	DMS	172	170	172	86	101	86	172	214	172
	Sangcharak											
	Saripul											
	Sayyad											
	34 province	Total number of observed districts 217 districts	Total number of Partners agencies 25 Agency	Number of observers at opening of process 6997	Number of observers at voting of process 7405	Number of observers at closing of process 7290	Number of polling centers at opening of process 3911	Number of polling centers at voting of process 4050	Number of polling centers at closing of process 4035	Number of polling stations at opening of process 9622	Number of polling stations at voting of process 14094	Number of polling stations at closing of process 9736

B: Counting process:

Total number of counting centers observed	Total number of observers participated in counting process
Totally 34 vote counting centers. (100%)	72 observers (2 observers per each counting center) except Kunduz province for the reason that 6 FEFA's observers were participated their

C: Provincial council election regarding introducing of representatives for senate seats.

Total amount of observed councils	Total number of observers participated in this process
All 34 provinces provincial council's election (100%)	Totally 68 observers (per each council 2 observers)

Relations with the Organizations not part of Free and Fair Election Foundation of Afghanistan (FEFA)

1) The Independent Election Commission

A. At National Level:

- In order to coordinate the work plan of FEFA with the Election Commission and other institutions concerned with election process, the foundation participated in all the meetings to which it was invited by JEMB, such as meetings of the election organizers (executive section of the Election Commission, donors, national and international observers, security authorities, UNAMA, ...), coordination meetings of the national and international observers and information meetings on progress of the activities of JEMB, which were organized at two different timings in Dari and English.
- Participation of the representatives of different executive sections of JEMB in the workshops of provincial trainers of FEFA, being invited by the central office of FEFA to present and share the information regarding observation and elections.
- FEFA has always tackled the problems and issues which the partner organizations have developed with provincial offices of JEMB, through contacts and convening meetings with the authorities at JEMB's headquarters, and has jointly addressed them.

B. At Provincial (regional) Level:

- So that FEFA could have coordinated its activities and get its observers accredited with JEMB, it has constantly been in touch with the provincial offices of JEMB in all 34 provinces.

- FEFA's provincial authorities have first propounded the problems, regarding their activities, to the provincial authorities of JEMB and sought out the ways to address them. When they have failed to do so, they have contacted FEFA's headquarters and; subsequently, after contacting JEMB's headquarters, steps have been taken to solve the problems.

2) United Nations Assistance Mission for Afghanistan (UNAMA) and United Nations Office for Project Services (UNOPS)

FEFA has always had meetings with representatives of UNAMA to share the information and views on various issues; especially, regarding the security and political situations in different parts of the country. Furthermore, coordination between the activities of FEFA observers and those of the local observers of UNAMA, especially in the northern regions of the country, is worth mentioning.

3) National Observation Organizations

As mentioned earlier, in addition to participating in the observers' meetings which were organized by JEMB, FEFA has constantly made efforts to ensure coordination amongst the national election observers and urged them to have coordinated relations among themselves and with FEFA. Moreover, FEFA has promised and offered them technical assistance in organizing training programs for their trainers.

4) Political Parties and Candidate Agents

FEFA has been in touch with some of the candidates and their agents, both in the capital city and in the provinces, has explained its goals and objectives to them, brought their concerns to the attention of authorities and has tried to convince and satisfy them.

Regarding the election process, some of the candidates and their agents have filed complaints with FEFA headquarters and its provincial offices; subsequently, at the earliest possible time, FEFA has formally forwarded these complaints to the Election Complaints Commission (ECC) and its provincial offices. It is worth mentioning that FEFA has earned trust of the candidates to a large extent; emphasis placed by the candidates on expansion of work areas covered by FEFA throughout the election process and increase of the number of its observers, beyond the specified number in the rules of procedure, at the counting centers, especially, at the counting center in Undue Province, proves this point.

5) The Media

The Media Section of FEFA has regularly been in touch with the national and international media; broadcast of a report from the training session of FEFA observers in Logar Province, by BBC, and broadcast of FEFA's press release on different process of elections, through national and non-government radios and televisions authenticate the point. Similarly, convening roundtables, comprising core group of FEFA, by local

televisions and independent international radios before, during and after the elections demonstrates the deep and active relations of FEFA with the media.

6) International Observation Bodies

FEFA and the international observation bodies, such as short term and long term observers of EU, observers from Japan and observers of Asian network (ANFREL) have shared their experiences through various meetings and have emphasized on coordination and cooperation of FEFA observers during different processes of elections, especially, voting process; coordination and cooperation of FEFA observers in different provinces of the country shows FEFA's proper and good cooperation and relations with the aforesaid bodies.

It must be said that good relationships and interests of FEFA with international observers resulted in participation of two observers of FEFA, being invited by ANFREL, in observation process of the presidential elections in Sri Lanka on Nov. 17th, 2005.

7) International Organizations (other than the observers)

FEFA has regularly exchanged views and experiences, through various meetings, with teams of experts from the security and assistance organization of EU and the research team of GTZ, which conduct research on electoral issues, and political and security aspects of elections and the mentioned institutions have performed their activities in different regions of the country on the basis of the information given by FEFA.

8) Election Complaints Commission

FEFA has had work relations, through different stages and processes of elections, with the Election Complaints Commission and on various violations of the electoral law exchanged views with national and international commissioners of the commission. It has also referred and forwarded numerous complaints received from the individual and group of candidates to ECC and held several meetings with members of the commission to address the problems.

Assessment of the Endeavors made by FEFA

A) Within FEFA

- **Board of Directors/Core Group**

FEFA's Core Group having thought of the endeavors and efforts of the foundation as an important and effective step towards reforming and strengthening election processes demands expansion of program area of the foundation and bringing all the stages of elections under the coverage of observation process.

- **The Executive Section**

The Executive Section depending on experiences gained from the two elections in the country, demands that area of observation program should be expanded, elections research programs be initiated and civic education programs on the principles, importance and practical mechanism of elections, role of people in election process, significance of democracy and its interpretation in real sense, role and importance of the councils/assemblies, especially, the national assembly should be included in FEFA's programs.

- **From Provincial Authorities' Perspective**

Provincial authorities of FEFA have expressed views similar to those of the executive team. As at the seminar which FEFA had exclusively organized for its provincial authorities, most of the authorities demanded that permanent offices of FEFA should be founded in all the provinces to ensure a strong relation of the foundation with the people and regions so that people can understand FEFA's proper and timely activities and objectives, be familiar with voluntary activities and get ready for taking such steps.

B) Organizations and Individuals not Part of FEFA

- **The Independent Election Commission**

According to two of the commissioners of the Independent Election Commission (Ms. Nijla Ayoubi and Mr. Nazari), FEFA is an indispensable partner with electoral management body and its permanent existence, maintaining its impartiality as an independent institution besides the Independent Election Commission, seems crucial for ensuring transparency and strengthening different processes and stages of elections. They said, "Fortunately, during the presidential and parliamentary elections, the Independent Election Commission had the company of FEFA as a national observation institution and enjoyed its proper cooperation during election process and found the outcomes of its observation extremely effective for ensuring transparency of elections and clarifying the crucial points." Furthermore, members of the election commission demanded that the activities of FEFA should be expanded and all the election processes and stages be covered by observation process.

- **International Observation and non-Observation Organizations**

The international observation and non-observation organizations have also had comments and observation on programs of the foundation. Asian Network for Free Elections (ANFREL) in one part of its report and proposed plans has commented about FEFA, "The local institutions, such as FEFA, should work together with the media in the country so that the obstacles and challenges that hinder expanding and strengthening of

democracy and holding free and fair elections may be defined and identified. Such local institutions must exist so that government may be accountable to them and they can assess government's performances."

Furthermore, Telibert Lawk's assessments of FEFA's performances exhibiting interest of the international personalities in the foundation have been aimed at reforming and strengthening its future programs and improving their effectiveness.

(Telibert Lawk's reports on FEFA's performances in different provinces are being enclosed.)

Drawing Inferences from the Efforts and Activities of FEFA

In spite of various problems hindering implementation of observation plans during the Parliamentary and Provincial Councils Elections, FEFA could effectively accomplish its observation programs in all the areas that were to be covered. The major problems in this regard can be explained as follows:

- Recruitment of proper members to join FEFA as partners for accomplishing its tasks and programs
- Substandard security situation which led to intimidating and beating up the trainers and observers of FEFA
- Recruitment of volunteer observers, especially, women observers, for observation of the voting process. Since our country, unfortunately, as a result of decades of problems and adversities is lacking literate and educated people – the fact that is more tangible at the earlier stages of election process – as at that time there is more need for recruitment of personnel, such as electoral staff, candidate agents and observers. Those who are relatively educated, have age problem (younger than 18 years).
- Regarding contacts and ensuring constant communication with some of the provinces, especially concerning follow up of the programs and receiving quick and on time reports.
- Since FEFA had framed its activity procedures and directions and implemented them in accordance with JEMB's rules of procedure and decisions, it had created some problems regarding FEFA's planning and provision and on time dispatch of materials to the provinces and its observers; as some of the very critical and constructive decisions of JEMB were made and approved just right before the elections.
- According to the rules of procedure and code of conduct for the observers, the observers were to get accredited and have their identification cards, which were prepared by JEMB. The cards prepared for impartial observers were different from those of the party and candidate agents. Nevertheless, in some provinces, JEMB had issued party and candidate agents cards for FEFA observers, which not only put a question mark to impartiality of FEFA observers but also created problem in identifying them and maintaining their distinction.

Recommendations

- **To the Election Commission**
 - Timely acquaintance of FEFA with the decisions, directions and electoral procedures so that it can make and implement its planning and programs at the right and appropriate time.

- Establishment of an advisory system between FEFA and Election Commission. It will help FEFA convey its views and learning to the commission on time and assist in ameliorating the effectiveness of election management.
 - Proposing FEFA to conduct training programs for electoral staff so as to improve the knowledge of electoral staff regarding observation and its purposes and make it more effective.
-
- **To FEFA**
 - Encompassing all the electoral stages by observation process
 - Expanding area of observation activity
 - Expanding the programs other than observation of election process
 - Establishing permanent offices in all provinces of the country