



Islamic Republic of Afghanistan
Independent Election Commission

The IEC Press Release on Reviewing Documents of Complainant Candidates for 2010 Woles Jirga Elections

After the IEC received Presidential Decree numbered (3607) dated (10-08-11), which had been issued as a result of a judicial ruling No (22) dated (04-08-11) of Civil Court and Personal Condition of the Appeal Tribunal that transferred the authority for making a decision as to electoral disputes to the President and the President assigned the IEC to make the final decision in accordance with articles (33), (86) and (156) of the Constitution and articles (62), (63) and (64) of the Electoral Law and with the judicial ruling No (22) (which is indeed a transfer of authority to the President);

The IEC, based on the transferred authority of the ECC to the Commission provided in article (62) Para 7 of the Electoral Law, assigned a committee to review documents of 62 complainant candidates which had been sent to the Commission by the President. The IEC, under a procedure approved by its decision No (04-1390) dated (15-08-11), scrutinized activity report of the committee as a result of which found out that reasons for disqualification of 9 out of the 62 complainant candidates who had also been winners on preliminary list of the IEC, but disqualified from the final list, were not justifiable and valid documents of the IEC indicated their rights to be members of the Lower House. Therefore, the Commission decided to introduce these 9 candidates to the National Assembly of Afghanistan to take seats and 9 out of 249 MPs who have polled the lowest votes in their constituencies are disqualified and they should leave their seats to the new persons. Names of both the new persons and disqualified ones are as follows:

No	Constituency	Current MPs	Replacement MPs
1	Paktika	Haji Abdulqadeer	Mahmood Khan Sulimankhil
2	Badakhshan	Abdulwali Niazi	Saranwal Abdulrauf
3	Baghlan	Muhammad Zahir Ghanizada	Haji Ashiqullah
4	Samangan	Muhammad Tahir Zaheer	Ahmadkhan Samangani
5	Faryab	Muhammad Shakir Kargar	Gul Muhammad Pahlawan
6	Herat	Alhaj Muhammad Rafeeq Shaheer	Nesar Ahamd Ghoryani
7	Herat	Seemin Barekzai	Rahima Jami
8	Helmand	Masoud Khan Noorzaee	Malem Meerwali
9	Zabul	Abdulhabib Andiwali	Hameedullah Tokhi

Worth mentioning that the review of the IEC has been made according to a previously-developed check list based on documents exist in the archive and their comparison with the relevant documents of the 62 candidates received by the Commission. Principles on which the IEC has relied on while making the decision are:

- Reviewing complaints and actions taken in comparison with defined legal frame in 2010 Wolesi Jirga elections
- Reviewing complaints and actions taken and their comparison with electoral timeline

- Reviewing actions taken based on impartiality and professionalism
- Reviewing actions in comparison with procedures provided by the executing organization
- Reviewing documents based on which the decision has been made
- Reviewing seriousness of offences occurred and their comparison with taken actions

Although these changes, which were made following the review of the IEC, are not justifiable in terms of time, but under the law, the IEC has all authorities of the ECC, so the IEC may adjudicate any kind of complaint. In terms of time, the Presidential Decree may justify authorities of the IEC in this regard.

Considering the problems developed after announcing results of 2010 Wolesi Jirga elections, the IEC intends to consider items in its strategic plans in order to prevent similar problems in future elections.

For further information, please contact the following address!

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