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***Ensuring Electoral Justice Depends on Transparent, Legal and on-Time Performance of the Electoral Complaints Commission***

*Press Release  
For Urgent Release*

The Free and Fair Election Forum of Afghanistan (FEFA) appreciates efforts of the Independent Electoral Complaints Commission (ECC) for addressing accurately the complaints related to the preliminary results of the presidential election conducted on September 28<sup>th</sup> 2019. But, FEFA also expresses its concerns over the existing challenges ahead of the ECC works. Addressing the complaints accurately not only requires that ECC should perform their duties transparently and based on the provisions of the law but in the meantime it requires an adequate duration of time which seems as a legal challenge ahead of the primary scrutiny of ECC's provincial offices, especially in provinces where a large number of complaints have been recorded.

Considering the post polling issues, FEFA believes that ECC had adequate time to build capacity and get preparation for addressing the complaints at the provincial level. ECC must have focused on a plan to pave the ground for complaints handling on the given timeframe as per article 91 of elections law but it seems that recording the complaints in Kabul and some other shortcomings, will prolong the process.

FEFA also criticizes the absence and inactivity of ECC's provincial commissioners in Helmand province. The provincial commissioners should have been present in the province from the start of complaints registration process, whereas, their absence have been time consuming and have impacted ECC's provincial works negatively which means they cannot address all complains within the time allocated by the law.

ECC must have provided accurate information about the types of complaints, their impacts on results, categorization and their legal necessities but unfortunately it seems that ECC hasn't been able to provide the necessary information to people and electoral stakeholders yet.

FEFA also expresses its concerns over completion of contracts of 1178 tempt data entry operators and provincial staffs of Election Commission who can assist ECC in audit and recounting process. However, the election commission has requested budget from Ministry of Finance for the extension of contracts of these staffs but FEFA is concerned about the delay in the decision making process which could impact the audit and recount process.

Given the mentioned issues, FEFA presents the following recommendations for improvement of the process:

- 1- The ECC must provide information about their initial assessments on addressing the complaints by their provincial offices. This is imperative to provide information on the nature of complaints, its impact on the election results, and the activities that the Commission will carry out in Kabul and the provinces. It must specially provide information about audit and recount process to the electoral tickets, watchdog organizations and media.
- 2- The ECC should take a clear stance on the observance of the 15-days period by their provincial offices or the possible extension this period if provincial investigations go beyond their statutory deadline (15 days). In this regard, it is recommended that if the ECC decides to extend or needs additional time for the Provincial Complaints Commissions, it shall share beforehand the satisfactory reasons and justifications along with solutions with Electoral Tickets, domestic and foreign stakeholders to ensure that the work of this commission is not challenged by these ticket in terms of legitimacy or technicality or credibility
- 3- The commission should act as soon as possible on the fate and presence of the provincial commissioners of the Helmand office and call for action by the authorities responsible for their immunity and transportation to the province.
- 4- The IEC shall pursue the issue of required staffing budgets with the Ministry of Finance and shall hold the Ministry accountable for delays and hold-ups that effects the process.

FEFA believes that the cooperation of all parties involved with the ECC will enhance the legitimacy and credibility of the electoral process and that any interference with its work should be avoided. The ECC shall not hesitate to take any action that would ensure transparency and fairness of the election.

***Hoping for electoral justice***

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