

COUNTRY OF ORIGIN INFORMATION BULLETIN

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AFGHANISTAN

PARLIAMENTARY AND PROVINCIAL ELECTIONS OF 18 SEPTEMBER 2005

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1. Introduction

- 1.01** This Country of Origin Information Bulletin (COI Bulletin) has been produced by Research Development and Statistics (RDS), Home Office, from information about Afghanistan obtained from a wide variety of recognised sources. It does not contain any Home Office opinion or policy.
- 1.02** This COI Bulletin has been prepared for background purposes for those involved in the asylum/human rights determination process. The information it contains is not exhaustive. It concentrates on the issues most commonly raised in asylum/human rights claims made in the United Kingdom.
- 1.03** The COI Bulletin is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.
- 1.04** This COI Bulletin is intended to cover major developments that have taken place in Afghanistan since publication of the Afghanistan Country of Origin Information Report (COI Report) in October 2005 and must be read in conjunction with that. The COI Bulletin is intended to give a brief overview of the parliamentary and provincial elections on 18 September 2005. The COI Bulletin only includes reports considered to be relevant to those involved in the asylum/human rights determination process.
- 1.05** This COI Bulletin and the accompanying source material are publicly disclosable. Where sources identified in the COI Bulletin are available in electronic form the relevant link has been included. The date that the relevant link was accessed in preparing the COI Bulletin is also included. Paper copies of the sources have been distributed to nominated officers in Asylum Caseworking Directorate and all Presenting Officer Units.

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2. Parliamentary and provincial elections

RUN UP TO THE ELECTIONS

2.01 The Afghan Independent Human Rights Commission (AIHRC) in conjunction with the United Nations Assistance Mission in Afghanistan (UNAMA) monitored the political rights situation in different provinces of the country in the run up to the elections. Their final report, covering the period 17 August to 13 September 2005, noted a number of positive developments during the reporting period and a more open and mature environment for the exercise of political rights; however there were a number of negative features remaining. The report stated that:

“Ongoing intimidation and threat of violence by the Taliban and other extremist groups against those who participate in the electoral process is of great concern, particularly in some southern parts of Kapisa, parts of Farah, the east, southeast and the southern region. While extremists have clearly failed to derail the electoral process, in some parts of the country they have been able to deter candidates from traveling and carrying out campaign activities... The continued electoral activism of local officials, at provincial and district level, on behalf of candidates continues to be prevalent. The fact that some of these activities have involved acts of coercion and detention compounds the need to curb such activities and to prosecute those who are found in violation of the law.” [4] (p14-15)

2.02 A Human Rights Watch (HRW) report published on 15 September 2005 stated that there were serious causes for concern on the eve of the elections. The report stated that:

“The biggest immediate problem is that anti-government, anti-coalition forces, including former Taliban forces and forces under the former mujahideen leader Gulbuddin Hekmatyar, continue to operate at will in many districts in the south and southeast, carrying out assassinations, attacking civilian government workers and humanitarian staff, and intimidating election workers and potential voters and candidates. These attacks have severely impacted campaigning activities in the south and southeast, and further attacks may seriously harm the integrity of the election.

The second serious problem is Afghanistan’s continuing ‘warlord problem’. In regions across the country, voters and candidates voiced strong concerns to us about the intimidating power of local or regional de facto strongmen—mostly former militia commanders, known in Dari or Pashto as jangsalaran, or warlords. Many candidates, especially outside of the south, stated that problems with warlords were the most serious challenge they faced in running for office. Many expressed to Human Rights Watch serious frustration and disappointment about the failure of election authorities, and the Afghan government, to limit the ability of warlords to stand for office.” [5] (p2-3)

2.03 On this latter point, HRW clarified that “Through 2005, the Afghan election commission received complaints about over 500 candidates (out of a field of nearly 5,800), but has only disqualified 32 for links to armed factions—11 initially, and another 21 on September 12 [2005]. None of the more senior commanders running in the elections, whose records of human rights violations are well-known to Afghans, were disqualified.” [5] (p3)

2.04 The HRW report also expressed concerns about the obstacles to women's equal participation in the elections, including weak guarantees of physical safety, limited access to information, restricted movement around the country, and lack of financial resources compared to men. The final concern stated by HRW was the potential for future violence due to the electoral law's "assassination clause", which allowed losing candidates to take seats of winners who died or resigned from office. [5] (p3) The Institute of War and Peace Reporting stated on 28 October 2005 that "At issue is Chapter 8, Article 37 of the election law which states that if a successful candidate dies or is disqualified prior to the first session of parliament, the seat goes to the person who gained the next highest total number of votes." [10a]

(See also Threats and attacks on successful candidates)

2.05 Appendices A and B of the HRW report give detailed information of the seven attacks on election candidates and seven attacks on clerics in the run up to the elections, also referred to in the European Union Election Observation Mission (EU EOM) report dated 19 September 2005 (see **Election evaluation**, paragraph 2.22). Source [5] should be referred to directly for further details.

ELECTION DAY – 18 SEPTEMBER 2005

2.06 The Foreign and Commonwealth Officer (FCO) Country Profile, updated on 7 October 2005, stated that:

"Parliamentary (Wolesi Jirga) and Provincial Council elections were held in Afghanistan on 18 September 2005. They were the first such elections for 36 years, and marked the end of the Bonn political process and an important step forward in Afghanistan's democratic development. The elections were far more complex and a far greater logistical challenge than the 2004 Presidential elections. Afghans were eligible to elect, via a Single Non-Transferable Vote (SNTV), constituency members to the 249-seat lower chamber of an all-new parliament, the Wolesi Jirga. Over 5,800 candidates competed for seats across the 69 electoral constituencies." [1]

2.07 The EU EOM report dated 19 September 2005 stated that "Election day was relatively calm and peaceful, without any major incidents." [3] (p8)

2.08 The Election Day report by the Joint Electoral Management Body (JEMB), dated 26 September 2005 concurred, stating that:

"Election Day proceeded in an atmosphere of calm as a steady stream of voters filed into Polling Centres in every district of Afghanistan. In 6,267 locations across the country, 26,240 Polling Stations provided voters with the opportunity to exercise their freedom to select their representatives for the Wolesi Jirga and the Provincial Councils... The full spectrum of irregularities seen in post-conflict environments was certainly present – such as fraudulent voter registration cards, double voting, proxy voting, misapplied procedures, intimidation and disruptions by agents – but there has been no indication of any systemic problem or orchestrated attempts to defraud the election so far... The number of security incidents or attacks on Polling Centres was minimal; the isolated incidents that occurred on polling day were minor and did not impact the polling process significantly. Three voters were wounded. On Election Day there were a few fatal incidents around the country, seemingly unrelated to elections." [2b] (**Executive summary**)

2.09 On 7 December 2005, IRIN news reported that “Of the country’s 12.5 million registered voters, some 6.8 million Afghans took part in the polls to elect a national legislature and 34 provincial councils for a five-year term. Almost 5,800 candidates contested the poll, including over 2,700 for the 249-seat Wolesi Jirga (lower house) and more than 3,000 for 420 seats in provincial councils.” [8a]

(See also [Annex A](#) for the Joint Electoral Management Body ‘Elections at a glance factbox’ giving more election facts and statistics)

ELECTION RESULTS

Certification of results

2.10 IRINnews.org reported on 9 November 2005 that the election results, initially scheduled for release in late October, had been delayed again by ongoing enquiries into alleged fraud in southern Afghanistan. [8b]

2.11 On 14 November 2005, Radio Free Afghanistan reported that the Joint Electoral Management Body (JEMB) had completed its certification of all the final election results for the Wolesi Jirga and the 34 provincial councils on 12 November. The JEMB also announced that district council elections had been postponed indefinitely because of disputes in the district boundaries and population. [6b] Full certified election results for the Wolesi Jirga, provincial councils and Meshrano Jirga may be accessed via the JEMB website link given in [Annex B](#) for source [2a].

The new parliament

2.12 A UNAMA Fact Sheet dated 5 December 2005 stated that:

“The new Afghan Parliament, or National Assembly, is made up of a Lower House (Wolesi Jirga, or House of People) and an Upper House (Meshrano Jirga, or House of Elders)... The Wolesi Jirga has 249 members, all directly elected by the people of Afghanistan. The Meshrano Jirga is composed of 102 members (three times the number of provinces). Two-thirds of the Meshrano Jirga are elected by the Provincial Councils, another one-third are appointed by the President. Members of the Wolesi Jirga serve a five-year term, Meshrano Jirga members a four-year term.” [9]

2.13 On 7 December 2005, IRINnews.org reported that, according to the public information officer for the national assembly, Afghanistan’s new parliament was scheduled to convene for its first meeting on 19 December 2005. This followed the appointment of 34 presidential appointees to the 102-seat Meshrano Jirga. [8a]

Wolesi Jirga members

2.14 On 18 November 2005, Radio Free Afghanistan (RFA), the Afghan service of Radio Free Europe/Radio Liberty (RFE/RL), reported that:

“Despite the more than 70 officially registered political parties in Afghanistan, the vast majority of the candidates for the Wolesi Jirga and provincial council seats ran as independents. Nonetheless, many of the new lawmakers are affiliated with political parties and there are political coalitions, although most are based on short-term political expediencies and have no clearly stated joint policy goals. No clear-cut political map of the new National Assembly can be drawn.” [6a]

2.15 RFA also reported on the make up of the Wolesi Jirga:

“The 249 members of the Wolesi Jirga can be divided into four broad and often overlapping camps: first, former mujahedin, including the 40 or so members of

Hizb-e Islami who have distanced themselves from their party leader and current antigovernment fugitive Gulbuddin Hekmatyar; second, independents, technocrats and those tribal leaders who are not affiliated with other parties; third, former communists and other leftists (ironically some of the former communists abandoned their mustaches --symbol of Afghan communists -- in favor of beards and joined mujahedin parties and even allied themselves with the Taliban, so there can be some overlap between this group and groups one and four); and fourth, former members of the Taliban establishment. Since a large number of Taliban leadership had previous association to the mujahedin parties, this last group could overlap with the first group.” [6a]

2.16 The same article also noted that “Many elected members of the Wolesi Jirga have fought in opposing groups and have committed atrocities that still haunt the Afghan people.” [6a]

2.17 An International Crisis Group (ICG) report dated 30 November 2005 stated that the bloody past of numerous power brokers had been ignored by the Afghan administration and many of the international community in exchange for their support in the war against terrorism. The ICG report also stated that “Many who were embedded within the administration during the past four years have now gained democratic legitimacy in the recent elections.” [7a] (p17)

Representation of women

2.18 On 15 November 2005, an article by the Institute of War and Peace Reporting (IWPR) stated that “Women, as required under the constitution, will occupy 68 of the 249 seats in the Wolesi Jirga, or lower house of parliament. They also secured 121 seats in the provincial councils which have a total of 420 members. That was three short of the 124 mandated by law because not enough female candidates could be found.” [10b]

2.19 The IWPR article also noted that:

“Without the benefit of seats specifically set aside for them, only 19 women would have been elected to the Wolesi Jirga. The remaining 49 must credit the affirmative-action provision in the constitution for their posts.

Some women did do remarkably well. Fawzia Gailani, mother of six and pioneer of women’s aerobics, was the top vote-winner in the western province of Herat. Malalai Joya, an outspoken critic of the warlords, came in second in the conservative Farah region. Six women in Kabul can boast that their victories owe nothing to quotas, and everything to their own grit and determination.

But these are exceptions rather than the rule. In 22 out of the country’s 34 provinces, no women would be entering the lower house of parliament if it were not for the constitutional requirement. The nomadic Kuchis, who were balloted separately, also had no women in their top line-up, meaning that in 23 out of 35 election regions, no women finished high enough to win Wolesi Jirga seats on their own...

In total, women won only 7.6 per cent of the seats in parliament in open contest rather than through the reserved quota. In the provincial elections, the results were similar. Out of the 124 seats reserved for them, women won only 29 outright.

The JEMB points to Kabul, where ten women won seats on the 29-member provincial council, exceeding the eight slots legally reserved for them. But election officials are less forthcoming about the 20 provinces where no women would have made it at all without the quota. In places such as Zabul, Uruzgan, and Nangahar, there were not even enough women candidates to fill the reserved seats, so five of these will remain empty.” [10b]

2.20 The IWPR also reported that “Political analysts say that even the modest results that women showed in the elections represent a victory, given the restrictions under which they campaigned.” [10b]

ELECTION EVALUATION

2.21 The report dated 19 September 2005 by the European Union Election Observation Mission (EU EOM) set out its preliminary findings and conclusions on the election process. The report stated that the elections for the Wolesi Jirga and provincial councils had, to date, been generally well-administered. Moreover “Millions of Afghan voters and thousands of candidates participated in the electoral process, many of them showing great courage in the face of a challenging security environment. Despite shortcomings that cannot be overlooked, the elections mark a significant step forward for Afghanistan’s democratic development.” [3] (p1)

2.22 The EU EOM report noted that shortcomings observed during the election process included numerous reports of intimidation of candidates, voters and election staff. The report deplored the death of seven candidates, seven clerics, five election workers and others. The report also noted that “State officials, such as chiefs of police, have been observed by the EU EOM directly intervening in the electoral process.” [3] (p7)

3. Post election incidents

THREATS AND ATTACKS ON SUCCESSFUL CANDIDATES

3.01 On 28 October 2005, the Institute for War and Peace Reporting reported that “Candidates who look like they have won a place in parliament say they are being targeted by rivals who want their seats... Since September 18, one top-scoring candidate has been murdered [in the northern province of Balkh] and several others have survived attempts on their lives. Others are enduring whispering campaigns intended to discredit and disqualify them, clearing the way for their rivals.” [10a]

3.02 BBC News reported on 4 December 2005 that a former militia commander elected to the new parliament, Esmatullah Muhabat, had been killed in a gunfight in Laghman province, along with at least two supporters. He was the first MP to be killed since the election results were announced in November. “The shoot-out started after a local merchant said wood stocks at his yard had been set on fire by one of Mr Muhabat’s men, the Interior Ministry said.” [11]

ATTACKS AND SUICIDE BOMBINGS

3.03 The International Crisis Group (ICG) monthly bulletin published on 1 November 2005 stated that there had been an escalation of attacks and suicide bombings after the elections. The bulletin included the following statistics:

- “Afghan Human Rights Commission claimed over 80% of winning candidates in provinces (60% in Kabul) linked to armed groups.
- Taliban militants increased attacks killing at least 35 Afghan security forces, 1 British and 3 U.S. soldiers, 6 local aid workers, 2 provincial officials and 3 pro-government clerics: Kandahar province particularly targeted by militants.
- 8 Afghan police mistakenly killed by U.S. troops in separate incidents while 4 suicide blasts between 5-10 October killed at least 10, and wounded 4 UK officials.
- 4 rockets hit Kabul hours before visit of U.S. Sec. State Rice 12 October.” [7b] (p5)

3.04 The ICG monthly bulletin published on 1 December 2005 rated the situation in Afghanistan as unchanged since their November bulletin. The December bulletin noted that the “New and increasing phenomenon of suicide attacks killed 6 in Kabul and Kandahar, including German peacekeeper. Portuguese, Swedish and U.S. soldiers also killed in separate incidents adding to NATO security fears ahead of expansion to southern areas in 2006.” [7c] (p5)

Annex A: Election at a glance – factbox [2c]

- 12.5 million registered voters
- 2 simultaneous elections in 34 provinces for Wolesi Jirga (lower house of national assembly) and Provincial Councils
- 5,766 candidates in total
- 2,753 candidates contesting 249 seats in Wolesi Jirga
- 3,013 candidates contesting 420 Provincial Council seats
- 12 percent of Wolesi Jirga candidates are women
- 8.1 percent of Provincial Council candidates are women
- 68 Wolesi Jirga seats are reserved for women
- Between 3 and 8 seats on each Provincial Council are reserved for women
- 10 Wolesi Jirga seats are reserved for Kuchis (nomads)
- 69 separate ballot papers (34 different Provincial Council ballot papers, 34 different Wolesi Jirga ballot papers, 1 Kuchi ballot paper)
- Ballot papers range in size from 1 to 7 pages, depending on the number of candidates per province
- Under the Single Non-Transferable Voting (SNTV) system, candidates run as individuals and parties are not mentioned on the ballot paper
- Candidates' names, photos and individual symbols appear on the ballot paper
- Almost 6,300 polling centres containing around 26,250 polling stations across Afghanistan will be run by 160,000 local polling staff
- 1,247 donkeys, 300 horses, 24 camels, 1,200 trucks, 9 helicopters, 39 transport planes deliver ballot papers and other election materials across Afghanistan
- 40 million ballot papers, printed in Austria and UK, were flown in to Afghanistan by 15 Antonov 124 flights and 8 jumbo jet flights
- Last national assembly elections were held in 1969
- 46 candidates were disqualified for violating eligibility criteria
- 286 candidates voluntarily withdrew including 51 women
- 140,000 bottles containing 7,000 litres of indelible ink to stain voters' fingers
- Ballots will be counted at 32 provincial counting centres. One count centre per province. Ballots from Kunar and Nuristan provinces will be counted in Nangarhar province
- More than 30,000 Afghan National Police, backed up by more than 10,000 Afghan National Army troops, will secure polling centre
- More than 30,000 foreign troops (12,000 NATO-led peacekeepers and 20,000 Coalition troops) will reinforce security
- Uruzgan province has smallest number of Wolesi Jirga candidates (19)
- Kabul province has largest number of Wolesi Jirga candidates (390)
- At least 4,700 domestic observers, 500 foreign observers, and 80,000 candidate agents will monitor polling and counting

- 8,000 election staff including 500 internationals employed for the 2005 elections

Annex B: List of source material

[1] Foreign and Commonwealth Office

Afghanistan Country Profile, updated on 7 October 2005 (accessed 24 November 2005)

<http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1007029394365&a=KCountryProfile&aid=1018965292998>

[2] Joint Electoral Management Body

- a. Wolesi Jirga & Provincial Council Elections Progress of Audited Results, (accessed 7 December 2005) <http://www.results.jemb.org/home.asp> (Click on province on the map to access results for that area)
- b. Election Day Report, 26 September 2005 <http://www.jemb.org/>
- c. Elections at a glance – factbox (accessed 8 December 2005)
http://www.jemb.org/eng/election_glance.html

[3] European Union Election Observation Mission

19 September 2005, Parliamentary and Provincial Elections Afghanistan 2005: Statement of preliminary findings and conclusions.

<http://www.eueomafg.org/press.html>

[4] Afghan Independent Human Rights Commission/United Nations Assistance Mission in Afghanistan (AIHRC/UNAMA)

Joint verification of political rights: Wolesa Jirga and Provincial Council Elections Third Report 17 August – 13 September 2005

<http://www.unama-afg.org/docs/Docs.htm>

[5] Human Rights Watch

15 September 2005, Afghanistan on the eve of parliamentary and provincial elections

<http://hrw.org/backgrounder/asia/afghanistan0905/>

[6] Radio Free Afghanistan (Afghan Service of Radio Free Europe/Radio Liberty)

- a. 18 November 2005, New parliament must cope with deep divisions (accessed 7 December 2005)
<http://www.azadiradio.org/en/specials/elections/features/2005/11/D59C701D-07D3-4198-A565-CAFF2F962143.asp>
- b. 14 November 2005, Election body certifies final Afghan vote results (accessed 9 December 2005)
<http://www.azadiradio.org/en/dailyreport/2005/11/14.asp>

[7] International Crisis Group

- a. Rebuilding the Afghan State: The European Union's role, 30 November 2005
<http://www.crisisgroup.org/home/index.cfm?id=3803&l=1>
- b. CrisisWatch Monthly bulletin No. 27, 1 November 2005
<http://www.crisisgroup.org/home/index.cfm?l=1&id=3773>
- c. CrisisWatch Monthly bulletin No. 28, 1 December 2005
<http://www.crisisgroup.org/home/index.cfm?l=1&id=3816>

[8] IRINnews.org

- a. 8 December 2005, Afghanistan: new parliament to meet (accessed 8 December 2005)

<http://www.irinnews.org/report.asp?ReportID=50546&SelectRegion=Asia&SelectCountry=AFGHANISTAN>

- b. 9 November 2005, Afghanistan: election results postponed, accessed 9 December 2005

<http://www.irinnews.org/report.asp?ReportID=50035&SelectRegion=Asia&SelectCountry=AFGHANISTAN>

[9] United Nations Assistance Mission in Afghanistan

Fact Sheet, 5 December 2005 Afghanistan's parliament: Structure, roles and procedures <http://www.unama-afg.org/>

[10] Institute of War and Peace Reporting

- a. 28 October 2005, Open season on winning candidates, accessed 2 November 2005

http://www.iwpr.net/?p=arr&s=f&o=257287&apc_state=henparr

- b. 15 November 2005, Is Afghanistan ready for women in parliament? (accessed 16 November 2005)

http://www.iwpr.net/?p=arr&s=f&o=257689&apc_state=henparr

[11] BBC News

4 December 2005, Afghan MP dies after gun battle, accessed 6 December 2005

http://news.bbc.co.uk/2/hi/south_asia/4496782.stm