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Political Landscape



Afghanistan Election Conundrum (4): New controversies surrounding the appointment of a new electoral commissioner

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Sayed Hafizullah Hashemi, who has been appointed as the new member of the IEC, is being interviewed by a panel led by President Ghani. The interview was conducted at the presidential palace on 13 January 2018. Photo: Presidential Palace.

The need to appoint a new member of the IEC came after its chairman, Najibullah Ahmadzai, was sacked by President Ashraf Ghani on 15 November 2017. The president ordered the Selection Committee, a body responsible for shortlisting candidates for membership of the IEC and ECC, to be reconvened. The body shortlisted three candidates, from which a panel, including the president, chose its favourite on 13 January 2018. AAN's Ali Yawar Adili looks at the controversy surrounding this selection, and asks what happens next.

This is part four of a series of dispatches about the preparations for the elections. [Part one](#) dealt with political aspects and [part two](#) dealt with a first set of technical problems: the date, the budget and the debate regarding the use of biometric technology. [Part three](#) dealt with the dilemma of the electoral constituencies.

A new IEC member is appointed

On 13 January 2018, President Ashraf Ghani's office announced that Sayed Hafizullah Hashemi had been appointed as a new member of the Independent Election Commission (IEC). The IEC is made up of seven members, all of whom were appointed in November 2016 (see AAN's previous report [here](#)). One of them, Najibullah Ahmadzai, who also served as its chairman, was dismissed by President Ghani on 15 November 2017. This was due to pressure from political groups amidst widespread controversy surrounding a number of issues, from the preparation of the next parliamentary elections, which is the IEC's current main task, to the issue of electoral reform. There are also serious doubts as to whether the elections can be held in 2018 (see ANN's previous report [here](#)). Since Ahmadzai's dismissal, his seat in the IEC had remained vacant. Hashemi was picked by a panel that included President Ashraf Ghani, Chief Executive Abdullah Abdullah, Second Vice-President Sarwar Danesh, Chief Justice Yusuf Halim and Attorney General Farid Hamidi. The panel interviewed three candidates introduced by the [Selection Committee](#).

Hashemi was appointed for a five-year term. (Of the seven IEC members, four are appointed for five years and the other three for three years.) It was expected that the new member, Hashemi, would also replace Ahmadzai as the IEC chair, although this will be determined by the IEC members themselves through a process of election. Yet, there are obviously ways and interests to influence this from the outside.

The Selection Committee, which the president reconvened on 28 December 2017, [submitted](#) a shortlist of three candidates to him on 11 January 2018. Apart from Hashemi, there were two other [candidates](#): Abdul Qader Zazai Watandost, an MP from Kabul, and Awal-ul-Rahman Rodwal, former head of the IEC's Kabul office. Watandost's chances of getting the IEC seat were particularly slim given that he had strongly advocated against the presidential legislative decrees to amend the electoral laws when they were discussed and put to vote in the Wolesi Jirga in June 2016. (See AAN's previous report [here](#)). (1)

The spokesman for the Afghanistan Independent Human Rights Commission (AIHRC) and its representative in the Selection Committee, Belal Sediqi, told AAN that while the 57 applicants represented various ethnic groups, all three candidates proposed by the committee were Pashtun. Article 16 of the electoral law (2) states that any new member should be introduced with due consideration to the ethnic and gender composition of the body. It can be surmised, therefore, that this choice was made in a bid to retain the IEC's previous ethnic composition, ie to replace the former head of the IEC (who was a Pashtun) with another Pashtun. However, according to Sediqi, even some Pashtuns were unhappy with the choice, as, in their view, Hashemi is a Sayed and not 'a pure Pashtun'. A person's ethnicity matters very much in Afghanistan, particularly with respect to appointments. It is often a deeply sensitive issue.

Biographical controversy

Sayed Hafizullah Hashemi is a Pashtun. He is also a Sayed, a particular group that claims descent from the family of the Prophet of Islam. While some believe they constitute a separate ethnic group in their own right, there are Sayeds among all ethnic groups in the country. Hashemi was born on 19 Hamal 1349 (8 April 1970) in Laghman province and

holds a Bachelor's degree in Business Administration (BBA) from Washington International University (2008). On 16 January 2018, Hashemi told AAN that he obtained his degree through a distance learning programme. He also holds a Master's degree in Business Administration (MBA) from Islamic Azad University, Kabul Branch (2015). He told AAN that he had also enrolled as a PhD candidate at Ferdowsi University in the Iranian city of Mashhad but that he had pulled out for logistical reasons. Hashemi told AAN that he had worked with the commission on the drafting of the constitution in preparation of the Constitutional Loya Jirga that took place at the end of 2003 / beginning of 2004. He then joined the Joint Electoral Management Body (JEMB) as a warehouse manager, a position he left when preparations for the 2005 parliamentary election got underway (it is unclear, though, why he left at such a crucial time). Following this, he worked in several capacities in the former president's office and, since 2012, as the head of the Meshrano Jirga's secretariat. (See his biography on the Meshrano Jirga's website [here](#), Hashemi speaks Pashto, Dari, Arabic and English.

Following Hashemi's appointment, social media was abuzz with comments that his education documents were allegedly fake. Social media activists in particular referred to his Bachelor's degree, which, according to his biography on the Meshrano Jirga website, he obtained from Washington International University, a university that these activists claimed to be notorious for selling degrees. (See this media report [here](#)). Another confusion was that, according to the English version of his [biography](#), he obtained his Master's degree from Khpelwak University in Kabul, which does not exist. Hashemi told AAN that this was a mistake by his (former) colleagues in the Meshrano Jirga, who had translated the name of Daneshgah-e Azad Islami (Islamic Free University) into Pashto. ("Khpelwak" means free or independent.).

On 15 January 2018, Sediqi (from the Selection Committee) told the Kabul daily Etilaat Roz that Hashemi's education documents had been approved by the Ministry of Higher Education (MoHE). He said the criterion for the applicants' education documents's credibility was whether they had been approved by the MoHE. Arefa Paikar, the spokeswoman for the MoHE, was quoted by the daily as saying that Hashemi's documents had been processed for approval based on a specific procedure. This, she said, includes whether or not the university is among the list of universities recognised by UNESCO; sending an email to the relevant university for confirmation; and checking the exit and entry date stamps on the applicant's [passport](#). Paikar confirmed to AAN on 17 January 2018 that Hashemi's Bachelor's degree from Washington International University had been attested by MoHE in 1387 (2008) and that she had found a copy of it in the MoHE, which, she said, also had the attestation stamp of the Ministry of Foreign Affairs. She was unsure, however, as to whether this same procedure was adhered to at the time, or whether it had been followed when verifying the validity of Hashemi's degree. According to article 16 of the electoral law, IEC member/members can be dismissed if it turns out that they have faked their education documents.

Controversy over the selection committee

There is also ongoing controversy surrounding the body that selected Hashemi and the procedure leading up to the current composition of the IEC. The mechanism for the selection of members of the IEC and the Electoral Complaints Commission (ECC) is a Selection Committee. (see AAN's previous reports about its background [here](#) and [here](#)). The Selection Committee was first introduced in 2013 based on recommendations from civil society organisations and political parties. Since then, it has been enshrined in the electoral law with the responsibility of vetting and shortlisting applicants for membership of both the IEC and ECC, although its composition changed every time the law was amended, often in an effort to include or exclude certain institutions (see previous AAN reporting [here](#)).

The electoral law (article 13.1) that was passed by a legislative decree in September 2016 and has since governed electoral bodies and processes (see the changes in the law in AAN's previous report [here](#)) specifies the composition of the Selection Committee as follows:

For the purpose of verification of documents and determining competence and qualification of the candidates for membership of the Commission, the selection committee is established with the following composition: 1- Competent representative (Judge) of the Supreme Court, with the approval of the High Council of the Supreme Court, as the Chairperson of the selection committee. 2- One member of the Afghanistan Independent Human Rights Commission, as elected by that commission as a member. 3- One member of the Independent Commission of Oversight of Implementation of the Constitution of Afghanistan, as elected by that commission, as a member. 4- An elected representative of the civil society organizations related to elections, as a member. 5- An elected representative of the civil society organizations advocating for the women rights, as a member.

The new Selection Committee set to work on 28 September 2016. It comprised the following people: Jawid Rashidi (Pashtun), a member of the Supreme Court, as chair; Yusuf Rashid (Pashtun), representing election-related civil society organisations; Mary Akrami (Tajik), representing women's rights organisations; Muhammad Zia Langari (Sayed), a member of the AIHRC; and Abdullah Shafai (Hazara), a member of the Commission for Overseeing the Implementation of the Constitution. Following more than a month of deliberations, on 9 November 2016 the committee submitted a shortlist of candidates to President Ghani. Jawid Rashidi, who, as representative of the Supreme Court and who is the head of the Selection Committee by default according to the electoral law, said that, out of a total of 720 applicants, the committee had selected 21 candidates for the IEC and 15 for the ECC. The president-led panel mentioned above interviewed these candidates and on 22 November 2016, the 12 new electoral commissioners (seven for the IEC and five for the ECC) were sworn in at the presidential palace. (See AAN's previous report [here](#)).

On 15 November 2017, President Ghani fired IEC chairman Najibullah Ahmadzai, after divisions within the IEC that led to five of Ahmadzai's fellow commissioners to write to the president asking for his dismissal. According to article 16 of the electoral law, in case of termination or resignation or death of an IEC member, the president must appoint a new member from the list of the remaining candidates introduced by the Selection Committee. This is according to article 14 of the law, according to which the Selection Committee, from among the candidates for the IEC membership, introduces "21 persons to the president that meet the highest and most appropriate legal standards, while taking into consideration the ethnic and gender composition." (3) The president then appoints seven out of these 21 candidates.

However, the president ordered the Selection Committee to be reconvened, arguing that none of the remaining candidates on the list were eligible. The decision to reconvene the Selection Committee was opposed, including by members of the committee itself. Yusuf Rashid, the executive director of the Free and Fair Election Forum of Afghanistan (FEFA) who represented election-related civil society organisations to the (former) Selection Committee, argued, as reported by Afghan media, that there was "no legal justification for the committee to resume its work." (Read the postscript in AAN's previous report [here](#)).

On 29 November 2017 the election-related civil society organisations issued a [statement](#) boycotting the Selection Committee. (4) They said that they had reviewed presidential decree number 503 dated 4 Qaws 1396 (25 November 2017) on the reconvening of the Selection Committee and "arrived at this collective agreement that the decree is against the electoral law." However, this argument appears to be somewhat tenuous, as it also disregards the practical need to fill the IEC's vacant seat – unless critics are able to prove, countering the argument made by the president's

office, that there is indeed an eligible candidate among the remaining candidates. On 8 January 2018, Rashid told Etilaat Roz newspaper that the government had held a few meetings with him, one being with Second Vice-President Danesh. Rashid said that he told them that he did not see any legal justification for reconvening the Selection Committee. Rashid further said that from his meeting with the vice-president, he realised that there had not been any issues regarding the eligibility of the remaining candidates, but that the problem was a political one, namely the lack of agreement among government leaders on one of those candidates. He claimed he had advised that finding a solution to the political problem should not remain confined to the president or the chief executive, and that all the political groups inside and outside the government should be engaged in the discussion. [Sources](#) from the international community told AAN that President Ghani had taken a strong stance against earlier advice to engage more political groups in the process of appointing a new member for the IEC. The president's reaction might stem from the assumption that involving a large number of actors makes decision-making more difficult and thus further complicating and possibly delaying the process.

Article 13 of the electoral law, on the establishment of the Selection Committee, states in paragraph two that, as two different categories, civil society organisations related to elections and to advocating for women's rights each should introduce one representative to the Selection Committee within seven working days of the date of notification. Otherwise, it is stipulated, the three other members (representing the Supreme Court, AIHRC and ICOIC) should introduce three candidates from each of the two civil society categories to the president, who will choose and appoint two of them to represent these two groups to the Selection Commission. (5) The women's rights groups sent their representative and as a result of the election-related organisations' boycott, their representative was chosen by the president. On 30 December 2017, a member of the Selection Committee told AAN that, according to paragraph two of article 13 of the electoral law, they introduced three people to the president, one of whom, Muhammad Asef Safi, was approved.

Safi is the head of the Fair Law Organisation for Women (FLOW). Oddly enough, FLOW was one of the signatories to the 29 November 2017 CSO boycott statement. On 15 January 2018, Rashid of FEFA told AAN that the CSOs summoned Safi and told him that he would not represent them. Rashid speculated that Safi had changed his position because the government had exerted influence on him as he (as well as the two other candidates, Roshan Tseran, director of Training Human Rights for Women Association, and Muhammad Shoaib Naseri, director of Organisation of Fast Relief and Development (FRD) is part of the Open Governance Forum established by the government and that this change of position came after a recent trip he had undertaken with Vice-President Danesh to Indonesia. Safi confirmed these facts in a conversation with AAN on 16 January 2018 but rejected the allegation that he had been influenced by the government. He argued it was normal to participate in a conference which is attended by both government and non-government officials; instead he asserted that he participated in the Selection Committee "to break the stalemate over the process."

There was also controversy over AIHRC spokesman Sediqi's participation in the Selection Committee's choice of Hashemi. Sediqi is not a formal member; he was replacing Langari, who was unwell, and it is not clear whether this was fully legal, given that the electoral law quoted above specifies "one member of AIHRC" to be part of the committee. Like Safi, Sediqi also asserted that he had participated in the committee to break the stalemate.

More manoeuvres

The president's order to reconvene the Selection Committee in spite of legal concerns by some stakeholders was read by many observers of the Afghan election process as a statement in favour of a particular candidate. For instance, on 9 January 2018, Fazel Ahmad Manawi, a former head of the IEC and close ally of the chief executive, [said](#) "They [the government] once again established the committee. It means they want to pave the way for their favourite candidate to become the IEC chief."

The name of Abdullah Ahmadzai, currently the head of the country office of The Asia Foundation, emerged in particular as a strong candidate for the job, as he seemed to have the support of key international stakeholders. Abdullah Ahmadzai had already served as the head of the IEC Secretariat during the 2010 parliamentary elections. (See AAN's previous report [here](#)).

On 10 January 2018 in conversation with AAN, Abdullah Ahmadzai confirmed that he had indeed been "approached by a few people from the [g]overnment in November 2017 following [the] removal of Mr. Najibullah Ahmadzai from the IEC [c]hairmanship." However, he had not applied for the vacancy after the Selection Committee called for applications. Ahmadzai wrote to AAN that the electoral law "only provides for selection of a replacement for the vacant position of a commissioner from the list of [the] remaining fourteen applicants previously interviewed by the President, CEO and other panel members. Since there is no provision in the current legislative decree for an alternative, any call for new applications is in contradiction with the current electoral law/legislative decree. Therefore, a consensus-based approach is required, if NUG leaders are looking for alternatives and are unable to select a candidate from the existing roster of 14 applicants for the IEC."

A source from the international community told AAN that Ahmadzai had been annoyed by the fact that his name was made public for the position before there had been any formal agreement and that he was not in favour of opening another selection process, meaning he expected to be appointed directly, given that the legal procedure had not been adhered to (ie the appointee would not be from among the earlier round's remaining candidates).

What next?

Based on article 15 of the electoral law, which is about oath-taking, the new member should be sworn in by the chief justice of the Supreme Court in the presence of the president. (6) On 16 January 2018, Hashemi told AAN that he had just been sworn in (see also this [press release](#) from the president's office), but is still waiting to be officially introduced to the IEC by the second vice-president. Paragraph four of article 16 of the electoral law says that if the dismissed (or resigned or deceased) member is also the chair or deputy or secretary of the IEC, there should be a new internal election by the IEC. The IEC will now need to hold an internal election, not only to elect its chair but also its deputy chair for operations, deputy chair for administration and finance, as well as its secretary, who also serves as spokesperson for the IEC as the terms for those in these positions expired almost two months ago. However, IEC members could not hold elections in a situation while the seat of its chair remained empty. (7)

Therefore, on 26 December 2017, the IEC issued a [statement](#) saying that in the absence of one member, the election of the chair and other members of the administrative board of the commission remained ambiguous "which undoubtedly visits serious impacts upon the preparations for holding the elections on scheduled date."

Hashemi told AAN that the IEC's internal elections would be held next week (namely, after 19 January 2018) and that he would run as a candidate. However he refused to specify for which position and said that he would decide this in consultation with the six other IEC members.

There is one more vacancy at the IEC. On 21 October 2017, Afghan media reported that the president had sacked the head of the IEC Secretariat (also known as the chief electoral officer), Imam Muhammad Warimach. (See this AAN report [here](#)) This move, though, was not publicly confirmed by the president's office. On 8 November 2017, IEC member Maleha Hassan confirmed to AAN that the president, in a meeting with IEC members and representatives of the International Community, had informed Warimach that he was a respected person but could not work for the IEC as its procurement was "in crisis" and appointments were "problematic." She further said that the IEC had not yet received any official dismissal letter for Warimach, who continues to work in his position.

On 26 December 2017, the IEC issued a [statement](#) saying that following the president's verbal dismissal of the head of the IEC Secretariat, the IEC sent an official letter to the president on 18 November 2017 asking him to send his written instruction to this effect as soon as possible. Following that, on 19 December 2017, the IEC proposed another acting head of the IEC's Secretariat to the president, but did not receive a response to either of the two letters, according to the above statement. The IEC further said that ambiguity about the fate of the CEO would delay different election-related processes, including recruitment of secretariat staff. (8) On 17 January 2018, IEC spokesman Gula Jan Sayyad Badi told AAN that the person they had introduced to the president was Shahla Haque and that the president had approved this introduction the day before. He further said that Shahla was introduced as the acting CEO and that Warimach had bid farewell to his IEC colleagues. The IEC now needs to introduce three candidates to the president, who will appoint one as the CEO. According to Sayyad, the IEC will start the process after it holds its internal elections (next week).

Conclusion: internal divisions and trust deficit

Prior to the dismissal of the former IEC chairman, the IEC was already suffering from clear internal divisions which were first revealed by IEC member Maleha Hassan on 14 August 2017 during an event held by FEFA. At that time, she alleged that some IEC members had been "marginalised," decisions were taken "secretly" by a small circle of commissioners and information was intentionally not shared with other IEC members. More than a month later, another IEC member, Mazallah Dawlati, also asserted that chairman Najibullah Ahmadzai, Abdul Qader Quraishi (the deputy for finance and administrative affairs), Gula Jan Badi Sayyad and Rafiullah Bedar were part of a group of IEC members who made decisions "secretly" excluding Hassan, Dawlati and the deputy for operations, Wasima Badghisi. Later on, however, five commissioners jointly wrote to the president asking for Ahmadzai's dismissal, which the president heeded. (See AAN's previous report [here](#)). Since Ahmadzai's sacking, the remaining IEC members seem to be working together quite well. It remains to be seen whether the new member joining the IEC will reopen internal divisions or heal them for good.

This also depends on how outside pressure from diverse political groups plays out. Starting in early September 2017, they had increasingly voiced their mistrust in the IEC. Things reached a climax on 7 October 2017 when an umbrella group called "The Understanding Council of Political Currents of Afghanistan" came together and said that the IEC in "its current composition" did not have the "ability to hold transparent and fraud-free elections and is not trusted by the people or the political currents." It called for the dismissal of all IEC and ECC members and appointment of new

members in agreement with political parties, civil society organisations and political figures. (See AAN's previous report on the members of the group and its demand [here](#)).

On 16 January 2018, Shiwa-ye Sharq, the head of Mehwar-e Mardom's media committee, which is part of the Understanding Council in a conversation with AAN, criticised the selection process as a "unilateral approach" taken by the president, saying that the Understanding Council would soon come up with a statement on the selection committee and appointment of the new IEC member. According to him, the Council would reiterate its demand for the replacement of all electoral commissioners and an inclusive observation framework that should include all political groups.

This shows that the public discussion on the legitimacy and composition of Afghanistan's key electoral institutions is far from over. The Understanding Council combines some heavyweight politicians and political groups, and its influence should not be underestimated. However, the choice, ultimately, is between speeding up the procedures to hold parliamentary elections as soon as possible or to renew the composition of the two commissions, which will certainly cause further controversy and delay. There are also political forces, such as Hezb-e Islami, who oppose changes to the electoral bodies and insist on elections this year, the feasibility of which is very much in doubt (see part one of our series [here](#)). This is probably a question that needs to be solved through the involvement of political parties, civil society organisations and other political figures.

(1) On 16 January 2018 Belal Sediqi, a member of the Selection Committee representing the AIHRC, told AAN that initially 88 potential applicants had obtained application forms from the Selection Committee's secretariat, but only 57 candidates had submitted completed forms and other required documents. In an earlier announcement, the Committee had given a four-day deadline for applications, from 31 December 2017 to 3 January 2018 (see [here](#)). The electoral law does not specify the timeframe for applications and defers to the Selection Committee to do so, which should not take more than seven working days.

Paragraph two of article 12 of the electoral law says:

Candidates eligible under paragraph (1) of this article, shall submit their curriculum vitae, educational documents and citizenship Tazkera to the selection committee within the timeframe determined by the mentioned committee.

This timeframe cannot take more than seven working days.

(2) Article 16 of the electoral law:

1 A member of the Commission can be terminated from job in the following circumstances:

1.1- Faking of the educational documents.

1.2- Deprivation of civil rights on the order of a competent court.

1.3- Conviction for committing crimes of misdemeanor or felony.

- 1.4- *Having membership in political parties during membership of the Commission.*
- 1.5- *Breaching provisions of the Constitution of Afghanistan, this law and other laws enforced in the country.*
- 1.6- *Suffering from an incurable or long-lasting disease which impedes performance of duties.*
- 1.7- *Continuous absence from job for more than twenty days without justifiable legal reasons.*
- 1.8- *Non-observance of provisions of Article 17 of this law.*

2 *Member of the Commission may tender his/her resignation in written to the president.*

3 *In case of resignation, termination or death of one or more members of the Commission, the President, within seven days, shall appoint new member (s) from amongst the remaining candidates stipulated in paragraph (2) of the Article (14) of this law; with due consideration to the ethnic and gender composition.*

(3) Article 14 of the electoral law reads:

- *The selection committee will examine the documents mentioned in paragraph (2) of the article 12 of this law, and in case of any suspicion for the sake of ensuring its accuracy, refer them to the relevant authorities. The relevant authorities are obliged to provide complete information within three working days.*

In case the suspicion is proved, the provider of the document shall be referred to the legal and judicial authorities.

- *From among the candidates, the selection committee shall introduce 21 persons to the president that meet the highest and most appropriate legal standards, while taking into consideration the ethnic and gender composition.*
- *From among the candidates mentioned in paragraph (2) of this article, the president shall appoint members of the Commission, while respecting the ethnic and gender composition, having at least two female members for the first round, in the following order:*
 - *Four members for a period of five years.*
 - *Three members for a period of 3 years.*
 - *Members of the Commission in the following terms shall be appointed for a period of five years.*
 - *Meetings of the selection committee shall take place in an open manner in accordance to a separate procedure, to be adopted by its members.*

(4) Those who signed the statement included FEFA, ADDO (Afghanistan Democracy and Development Organisation), Afghanistan Youths Social and Educational Organisation, Election and Transparency Watch Organisation of Afghanistan (ETWA), FETWO, FLOW and IDEA. On 8 January 2018, another group of civil society networks and organisations led by the Transparent Elections Foundation of Afghanistan (TEFA) held a press conference and consequently issued a statement regarding the Selection Committee and the general situation regarding the elections, calling on the president to dissolve the on-going selection committee process, which, it said, was illegal and should adhere to article 16 of the electoral law. It also said that the government's interference in the working affairs of civil

society was “a big blow to democracy and rule of law,” which needed to be avoided. They were referring to the appointment of Safi as representative of civil society organisations to the Selection Committee.

The signatories on the statement included: TEFA, Afghanistan Peace House, Afghan Civil Society Elections Network (ACSEN), Watch on Basic Rights of Afghanistan, Training Human Rights Association, Women Coordination Network, Civil Society Joint Working Group, Women and Children Legal Research Foundation (WCLRF), Afghanistan Youths Social and Educational Organisation, FRD, Election and Transparency Watch Organisation of Afghanistan (ETWA), and Civil Society Development and Growth Organisation.

(5) Article 13 of the electoral law reads:

- *For the purpose of verification of documents and determining competence and qualification of the candidates for membership of the Commission, the selection committee is established with the following composition:*
- *Competent representative (Judge) of the Supreme Court, with the approval of the High Council of the Supreme Court, as the Chairperson of the selection committee.*
- *One member of the Afghanistan Independent Human Rights Commission, as elected by that commission as the member.*
- *One member of the Independent Commission of Oversight of Implementation of the Constitution of Afghanistan, as elected by that commission, as the member.*
- *Elected representative of the civil society organizations related to elections, as member.*
- *Elected representative of the civil society organizations advocating for the women rights, as member.*
- *Civil society organizations mentioned in sections (4 and 5) of the paragraph (1) of this article are obliged to introduce their representatives for the membership of the selection committee within seven working days of the date of notification. Otherwise, members stated in sections (1,2 and 3) of the paragraph (1) of this article will introduce 3 persons each from the organizations mentioned in sections (4 and 5) of the paragraph (1) of this article to the president; and the president will appoint two persons representing the two organizations as the members of the selection committee.*

(6) Article 15 of the electoral law states:

Before occupying their position, members of the Commission shall take the following oath, in the presence of the President, administered by the Chief Justice of the Supreme Court:

“I swear to Allah the Great to perform, as member of the Independent Election Commission, all assigned duties honestly, with integrity, independently, fully impartially and neutrally in accordance with the provisions of the Constitution of Afghanistan this law, and other laws of the country.

(7) On 27 November 2016, the IEC elected Najibullah Ahmadzai as its chairman, Wasima Badghisi as the deputy for operations, Abdul Qader Quraishi as deputy for finance and administrative affairs, and Gula Jan Badi Sayyad as secretary and spokesman. (See AAN's report for the members' biographies [here](#)). According to paragraph two of article 11 of the electoral law, the chairperson is elected for a period of two years and six months, and the deputies and secretary (spokesperson) for a period of one year.

Article 11 of the electoral law states:

- *For the purpose of administration and supervision of every kind of elections and referral to the general public opinion in the country, the Commission comprised of seven members is established in accordance to this law:*
- *The Commission shall have a Chairperson, Deputy (Operations), Deputy (Admin and Finance) and a Secretary (Spokesperson) that are elected from among the members of the Commission by themselves through free, secret, and direct elections in the following manner:*
- *Chairperson of the Commission, for a period of two years and six months.*
- *Deputies and secretary (spokesperson) of the Commission for a period of one year.*
- *Chairperson, Deputies and Secretary of the Commission may nominate themselves for the next rounds as well.*
- *Scope of duties and authorities of the deputies and secretary (spokesperson) shall be determined in the internal regulation to be adopted by the Commission.*

(8) The IEC has indeed announced vacancies for various posts, including for the positions of 24 provincial electoral officers; and deputy head of the secretariat and seven heads of IEC departments. This is important, as, without these staff, the IEC cannot implement voter registration, which is another highly crucial step in preparation for the next elections. On 28 November 2017 the IEC announced that it planned to recruit 24 people for the positions of provincial electoral officers through open competition, which included Kabul, Maidan Wardak, Sar-e Pul, Khost, Jawzjan, Panjshir, Baghlan, Zabul, Nimruz, Logar, Kunar, Faryab, Kapisa, Herat, Balkh, Helmand, Samangan, Farah, Nuristan, Badghis, Ghazni, Laghman, Paktika and [Kunduz](#). On 3 December 2018 it announced another set of vacancies, which include important positions of deputy head of secretariat for operations, chief of staff of the IEC chair, heads of departments of policy and plan, public information and outreach, foreign relations, training, legal affairs, information technology, finance and [accounting](#). In early January 2018, the IEC announced another 55 positions of grade three to seven to be filled (see the list [here](#)). A source from the IEC told AAN that the process had been delayed due to the dismissal of the IEC's chairman.

All of these issues have caused delays and make holding the elections on 7 July 2018 almost impossible, despite the fact that on 2 January 2018, the IEC issued a [statement](#) saying that the upcoming elections would be held on the scheduled date. It rejected the news that the IEC was considering a fall-back date as "baseless." The statement asked the people to trust the IEC as it was taking steps, which, it said, included the completion of the polling centre assessment (this will be discussed in a separate dispatch) and sending a voter registration plan to the government.

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