

جمهوری اسلامی افغانستان  
کمیسیون شکایات انتخاباتی



د افغانستان اسلامي جمهوریت  
د انتخاباتو د شکایتونو کمیسیون

Islamic Republic of Afghanistan  
Electoral Complaints Commission

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# **RULES OF PROCEDURE**

**of the**

**Electoral Complaints Commission**

**Adopted: May 2009**

**The Electoral Complaints Commission (the “ECC”), pursuant to authority given in article 52 of the Electoral Law, establishes the following Rules of Procedure:**

**Article 1  
Jurisdiction of the ECC**

- 1.1 The ECC has jurisdiction to consider and adjudicate the following :
- (a) Complaints relating to alleged Electoral Offences in the conduct of the electoral process; and
  - (b) Challenges to the eligibility or qualifications of a candidate during the electoral process.
- 1.2 The ECC has final jurisdiction with respect to all Complaints and Challenges. ECC decisions are not subject to appeal or review except as established in the Electoral Law and these rules of procedure. Decisions are final and binding with the exception that, the ECC reserves the right to reconsider any decision upon the presentation of new evidence or for good cause shown.

**Article 2  
General Provisions**

- 2.1 All persons and entities participating in the electoral process are responsible for knowing the laws applicable to the electoral process, including the Constitution, the Electoral Law and applicable Decrees, Regulations, and Procedures. The ECC shall hold all persons and entities responsible for such knowledge. Except by official order from the Supreme Court, no authority or entity can compel the ECC to disclose any documents that the ECC has custody of.
- 2.2 The ECC shall be composed of five (5) members. Two (2) members shall be Afghan nationals, one being appointed by the Supreme Court and another appointed by the Afghan Independent Human Rights Commission. Three members shall be internationals, being appointed by the Special Representative of the Secretary-General of the United Nations.
- 2.3 The work of the Commissioners shall be full time employment. Commissioners must suspend any other employment and conflicting responsibilities for the duration of the ECC’s mandate.
- 2.4 Three members of the ECC, at least one of them being an Afghan national, shall constitute the necessary quorum for a session, the conduct of deliberations, and the issuance of decisions. If a quorum is not present, a record shall be kept of the members attending the session and the ECC shall adjourn to a later time.

- 2.5 The ECC shall elect from among its members one Chairperson, who shall chair the meetings of the ECC. In the event that the Chairperson is absent from his or her duties, the Chairperson shall designate one other member of the Commission to act on the Chair's behalf.
- 2.6 The Commissioners shall fulfil their tasks in a timely, objective, impartial, and non-political manner.
- 2.7 The Commission shall keep confidential all information submitted to them in their capacity as a Commission in accordance with these rules of procedures, except that any evidence which discloses a criminal offence shall be referred by the Commission to the Office of the Public Prosecutor or other relevant legal authorities.
- 2.8 The Commissioners and the staff of the Commission shall sign and comply with "The Code of Conduct for ECC Commissioners and Staff Members."
- 2.9 The Chair of the ECC shall schedule meetings on a regular or *ad hoc* basis, as necessary.
- 2.10 Deliberative meetings of the ECC shall be closed and confidential. At other times, the ECC may allow observers as it deems appropriate. The ordinary meetings shall be arranged by the Chair in advance. In urgent matters, the chair or any two members of the Commission can call a meeting by providing at least two hours notice. All other regular quorum and meeting procedures shall apply to such urgent meetings.
- 2.11 The ECC shall make all decisions by consensus where possible. If no consensus can be reached on an issue, decisions shall be by the majority of members. Decisions shall be taken openly and not by secret ballot. A record shall be kept of the minutes of the meetings, the votes taken and decisions made. These records shall not be available to anyone outside the ECC.
- 2.12 All final decisions of the ECC shall be made public, subject to any measures the ECC decides is appropriate to protect the confidentiality or safety of persons concerned in the process.
- 2.13 For the purposes of calculating any deadlines, Fridays shall be excluded, unless explicitly noted otherwise.
- 2.14 The ECC's internal working languages shall be Dari, Pashto, and English. The ECC may accept or produce documents in other languages where feasible and necessary or desirable in the judgement of the ECC.
- 2.15 Political parties, candidates, electoral observers, political party or candidate agents, the Independent Election Commission Secretariat (IECS), and all

individuals involved in the electoral process shall provide full assistance and cooperation to the ECC in the execution of its duties and the conduct of its investigations in particular they shall provide any information or access to information if required by ECC for its consideration of cases.

- 2.16 Any member of the IECS or any other person so authorized by the ECC may effect service of notifications, documents, statements, judgements, or any other official ECC materials.
- 2.17 If necessary, the Commission may make exceptions from these rules by a written decision of the Commission.

## **COMPLAINTS**

### **Article 3 Authority**

- 3.1 The ECC hereby delegates some specific authority regarding Complaints to Provincial Election Complaints Commissions (PECCs) established in each province of Afghanistan. Unless otherwise stipulated, each PECC shall make a first-instance consideration of all Complaints received within the province where the PECC is located and in accordance with these Rules of Procedure.
- 3.2 The PECC shall make all decisions by consensus where possible. If no consensus can be reached on an issue, decisions shall be by the majority of members, each PECC shall report its decision upholding or dismissing a Complaint to the ECC in Kabul within twenty-four (24) hours following the decision, along with any supporting materials. The ECC shall retain the authority to review and, if necessary, to overturn any PECC decision.
- 3.3 The ECC may consider matters within its jurisdiction on its own initiative, even when no Complaint has been filed.
- 3.4 The ECC may refer any case to a PECC for a consideration of the matter if it deems such a referral suitable.
- 3.5 A PECC or the ECC may hold hearings, which shall be conducted in such a manner as the PECC or the ECC shall deem appropriate. In holding a hearing, the PECC or the ECC may:
  - (a) Request any person to appear before it and to present evidence that may assist in reaching a decision;
  - (b) Allow witnesses to give evidence under oath or otherwise;
  - (c) Request and receive relevant evidence, as appropriate; and
  - (d) Where possible, provide an opportunity for the Complainant and Respondent to be present and heard.

- 3.6 The ECC or a PECC may use any appropriate means to conduct investigations it deems necessary to obtain relevant information regarding a challenge or complaint.
- 3.7 The provision of false information to a PECC or to the ECC is a violation of the Electoral Law and may be sanctioned by a PECC or the ECC. This Article does not preclude action by any other body prosecuting or otherwise bringing an action regarding the provision of false information to a PECC or to the ECC.
- 3.8 If the ECC determines that a complaint is outside the ECC's jurisdiction the ECC may either refer that complaint to an official body with jurisdiction over such Complaints or reject the complaint for that reason.

#### **Article 4 Requirements**

- 4.1 A person, natural or legal, who has a legitimate interest and who alleges that a breach of the Constitution, the Electoral Law, or any relevant applicable Decree, Regulation, or Procedure governing the electoral process has occurred may file a Complaint.
- 4.2 Complaints, which must be in writing, may be filed at any IECS office, any PECC office, or at the central office of the ECC in Kabul. Any IECS Office receiving a Complaint shall forward that Complaint to the PECC in the province, in which the Complaint is filed, confidentially and without undue delay, any undue delay may be considered as interference with election materials and may constitute an electoral offence.
- 4.3 Unless a different deadline is specified elsewhere, a Complaint must be filed within seventy two hours after the occurrence of the alleged violation or within seventy two hours after the alleged violation became known to the Complainant. The ECC may waive this deadline as necessary and appropriate.
- 4.4 A Complaint shall be deemed submitted on the date the Complaint is received by the respective PECC or by the ECC in Kabul.
- 4.5 The ECC shall make available Complaint forms at each PECC, at the central offices of the ECC in Kabul, on the ECC website, and in any other locations the ECC considers appropriate.
- 4.6 All Complaints must provide, at least, the following information:
- (a) name, address, and contact information of the complainant.
  - (b) a detailed description, including the date, time, people involved, and the place of the alleged violation;

- (c) details of any evidence and copies of any relevant documentation or other evidence in the possession of the Complainant or an instruction about where to find evidence not in possession of the Complainant; and
- (d) attestation by the complainant as to the veracity of the contents of the Complaint.

Where possible, the Complaints should also provide:

- (e) the name, address, and contact information of the alleged violator;
- (f) the names, addresses, and contact information of any witnesses; and
- (g) The specific law, regulation, decree, or other legal provision that was allegedly violated.

- 4.7 The respective PECC, IECS, or ECC staff shall assist the complainant in writing a Complaint form when the complainant so requests.
- 4.8 Complaints shall be filed in one of the working languages of the ECC, as defined in Article 2.13 of these Rules of Procedure. A PECC or the ECC may accept Complaints in any other language whenever doing so is appropriate.

### **Article 5 Consideration of Complaints**

- 5.1 Every Complaint received by a PECC or by the ECC shall be assigned a file number upon receipt and become part of the permanent records of the respective PECC or of the ECC.
- 5.2 Neither a PECC nor the ECC must act on Complaints that do not meet the requirements set forth in Article 4 of these Rules of Procedure. In the event that a Complaint does not meet these requirements, the respective PECC or the ECC may, when suitable, endeavour to notify the complainant thereof and grant the Complainant a reasonable period of time to fulfil such requirements.
- 5.3 Considering the deadlines stated in the election calendar, the ECC may adopt internal procedures to prioritize challenges, and complaints into ensure they are decided in a timely manner.

### **Article 6 Submission of a Response to a Complaint**

- 6.1 Where a PECC or the ECC considers a Complaint to be well founded, the respective PECC or the ECC shall use its best efforts to notify the subject of the Complaint and provide an opportunity to respond.

- 6.2 Responses to a Complaint must be filed in writing. The ECC shall make available Response to a Complaint forms at each PECC, at the central offices of the ECC in Kabul, and on the ECC website.
- 6.3 Responses to a Complaint may be filed at the PECC office or at the ECC office, according to instructions on the Response form. Any IECS Provincial Office receiving a Response to a Complaint shall forward that Response to the respective PECC or to the ECC, confidentially and without undue delay. For all purposes, including deadlines, a PECC or the ECC shall accept a Response as received directly by the PECC or the ECC respectively.
- 6.4 Unless a different deadline is specified elsewhere, a Response to a Complaint must be submitted within five days of any notification described in Article 6.1 of these Rules of Procedure. A PECC or ECC may change this deadline as it deems suitable.
- 6.5 A Response to a Complaint shall be deemed submitted on the date the Response is received in the respective PECC or in the ECC office in Kabul.
- 6.6 All Responses to a Complaint shall provide at least the following information:
- (a) name, address, and contact information of the Respondent;
  - (b) a defence against the alleged violation, an admission that the Respondent committed the violation, or a statement that even if the activity in the complaint occurred, the activity did not constitute a violation;
  - (c) attestation by the Respondent as to the veracity of the Response;
  - (d) Where the Respondent is a legal person, an authorized representative of that legal person shall sign the Response.
  - (e) any other information that may be required by the ECC.
- Where possible, the Response to a Complaint shall provide:
- (f) details of any evidence and copies of any relevant documentation or evidence;
  - (g) names, addresses, and contact information of any witnesses; and
  - (h) any other relevant information.
- 6.7 The PECC or the ECC staff where the Response to a Complaint is filed shall assist the respondent in writing a Response form when the Respondent so requests.
- 6.8 Responses to a Complaint shall be filed in one of the working languages of the ECC, as defined in Article 2.13 of these Rules of Procedure. A PECC or the ECC may accept Responses in any other language, whenever doing so is appropriate.

- 6.9 Failure to submit a Response to a Complaint in a timely manner as set forth in these Rules of Procedure shall not prevent the respective PECC or the ECC from proceeding in processing a Complaint.
- 6.10 A PECC or the ECC may hold hearings, which shall be carried out in such a manner as the respective PECC or the ECC shall deem appropriate. In holding a hearing, the respective PECC or the ECC may:
- (a) request any person to appear before it and to present evidence that may assist the PECC or the ECC in reaching a decision;
  - (b) allow witnesses to give evidence under oath or otherwise;
  - (c) request and receive relevant evidence as the PECC or the ECC may consider appropriate; and
  - (d) where possible, provide an opportunity for the Complainant and the Respondent to be present and heard.

## **Article 7**

### **Decisions on Complaints**

- 7.1 A PECC or the ECC may summarily dismiss a Complaint that does not establish a *prima facie* case or where the Complaint is manifestly ill-founded, or that does not conform to the minimum requirements of a Complaint stated in Article 4.6 of these Rules of Procedure.
- 7.2 A PECC or the ECC shall examine all evidence submitted in a timely fashion. Based on this evidence and any other evidence of which the respective PECC or the ECC may choose to take notice, the respective PECC or the ECC shall uphold a Complaint:
- (a) Where the evidence is clear and convincing that an action has occurred;  
and
  - (b) Where the alleged action violated the Constitution, the Electoral Law, a Regulation, decision, administrative direction, or any other electoral rule within the ECC's jurisdiction.
- 7.3 When a PECC or the ECC upholds a Complaint it may, taking into account the nature and gravity of the offence.
- (a) Issue a warning to, or order, the offending individual or organization, to take remedial action.
  - (b) Impose a fine not to exceed 100,000 Afghanis.
  - (c) Prior to the certification of results, order a recount of ballots, or a repeat of the voting.
  - (d) Remove a candidate from the candidates list, if there are justified reasons;

- (e) Invalidate ballot papers not meeting the conditions for validity, or order the count or recount of a ballot paper or a group of ballot papers.
  - (f) Prohibit an offending individual from serving in the electoral administration for a period not exceeding 10 years.
- 7.4 Where a PECC or ECC imposes a sanction on a political party or candidate for an Electoral Offence committed by its members or supporters, such decision shall take into consideration any evidence demonstrating that the political party or candidate made reasonable efforts to prevent its members and supporters from committing Electoral Offences.
- 7.5 When determining sanctions or penalties, each PECC and the ECC shall ensure that the sanction is commensurate with the nature and the gravity of the offence. All decisions made by the PECC shall be reviewed by the ECC.
- 7.6 Where a PECC or the ECC orders remedial action or issues a warning, such order shall take effect immediately unless otherwise stated in the Decision.
- 7.7 Where a PECC imposes a fine, strikes a candidate from the candidate list, orders a recount or repeat of polling or issues a prohibition against an individual from serving as an electoral officer, such decision shall not be enforced until reviewed by the ECC.
- 7.8 Each PECC or the ECC shall, when appropriate, use its best efforts in notifying its decision to the Complainant and to the Respondent in writing, specifying a deadline for compliance with any imposed sanction.
- 7.9 Each PECC or ECC decision shall be published in English, Dari and Pashto, and shall be made available to the public through the ECC website and in binders at each IECS Office. Decisions may also be published in any other language where the ECC deems doing so appropriate.

## **Article 8**

### **Compliance with the Commission's Decisions**

- 8.1 Failure of a sanctioned person, natural or legal, to perform a remedial action ordered by a PECC or the ECC, or to pay an imposed fine within the time period specified constitutes an electoral offence under Articles 6 and 53 of the Electoral Law.
- 8.2 Fines shall be paid in accordance with instructions provided by the ECC.

## **APPEALS**

## **Article 9 Requirements**

- 9.1 A person, natural or legal, whose legal rights have been affected by the decision of a PECC may file an Appeal against that decision to the ECC.
- 9.2 Each PECC shall use its best efforts in providing its decision to the Complainant and the Respondent in writing, specifying a deadline in which to file an Appeal. Such decision shall include an ECC Appeal form.
- 9.3 Appeals which must be in writing may be filed at any PECC or IECS office or at the central office of the ECC in Kabul. Any IECS Provincial Office or PECC receiving an Appeal shall forward that Appeal to the ECC, confidentially and without undue delay.
- 9.4 Unless a different deadline is specified elsewhere, an Appeal must be filed within three days after the notification of the PECC decision. The ECC may waive this deadline as necessary and appropriate.
- 9.5 An Appeal shall be deemed submitted on the date the Appeal is received in the PECC or IECS office or in the ECC office in Kabul.
- 9.6 The ECC shall make available blank Appeal forms at each PECC, at the central office of the ECC in Kabul, and on the ECC website.
- 9.7 All Appeals must provide at least the following information:
  - (a) name, address, and contact information of the Appellant;
  - (b) reason for the Appeal;
  - (c) details of any evidence and copies of any relevant documentation or other evidence in the possession of the Appellant or a direction about where to find evidence when not in possession of the Appellant;
  - (d) attestation by the Appellant as to the veracity of the contents of the Appeal;
  - (e) where the Appellant is a legal person, an authorized representative of that legal person shall sign the Appeal; and
  - (f) any other relevant information.
- 9.8 ECC staff members shall assist the Appellant in completing an Appeal form when the Appellant so requests.
- 9.9 Appeals shall be filed in one of the working languages of the ECC, as defined in Article 2.13 of these Rules of Procedure. The ECC may accept Appeals in any other language whenever doing so is appropriate.

**Article 10**  
**Consideration of Appeals**

- 10.1 Every Appeal shall be reviewed upon receipt to ensure compliance with Article 9 of these Rules of Procedure.
- 10.2 The ECC may not act on Appeals that do not meet the requirements set forth in Article 9 of these Rules of Procedure. In the event an Appeal does not meet these requirements, the ECC may, if it deems suitable, endeavour to notify the Appellant and grant the Appellant a reasonable period of time to fulfil such requirements.
- 10.3 Where the ECC considers an Appeal to be well founded, the ECC shall use its best efforts in notifying and providing an opportunity to respond to the party appealed against.
- 10.4 In order to facilitate the processing of Appeals, the ECC may decide to consolidate Appeals that present similar issues, and deal with such Appeals as if they were one consolidated Appeal.

**Article 11**  
**Submission of a Response to an Appeal**

- 11.1 The subject of an Appeal may submit a Response.
- 11.2 Responses to an Appeal, which must be in writing, may be filed at the central office of the ECC in Kabul, according to instructions on the Response to an Appeal form. Any PECC or IECS Provincial Office receiving a Response shall forward that Response to the ECC, confidentially and without undue delay. For all purposes, including deadlines, the ECC shall accept a Response as received directly by the ECC.
- 11.3 Unless a different deadline is specified elsewhere, a Response to an Appeal must be submitted within three days of any notification described in Article 10.3 of these Rules of Procedure. The ECC may change this deadline as it deems suitable.
- 11.4 A Response to an Appeal shall be deemed submitted on the date the Response is received in the ECC office in Kabul.
- 11.5 The ECC shall make available blank Response to an Appeal forms at each PECC, at the central offices of the ECC in Kabul, on the ECC website, and any other location the ECC deems appropriate.

- 11.6 All Responses to an Appeal shall provide at least the following information:
- (a) name, address, and contact information of the Respondent;
  - (b) at least one reason why the Appeal should be denied;
  - (c) any relevant evidence supporting that attestation by the Respondent as to the veracity of the Response names, addresses, and contact information of any witnesses any other relevant information; and
  - (d) where the Respondent is a legal person, an authorized representative of that legal person shall sign the Response.
- 11.7 The ECC staff shall assist the Respondent in writing a Response form when the Respondent so requests.
- 11.8 Responses to an Appeal shall be filed in one of the working languages of the ECC as defined in Article 2.13 of these Rules of Procedure. The ECC may accept Responses to an Appeal in any other language whenever it deems doing so appropriate.
- 11.9 Failure to submit a Response to an Appeal in a timely manner as set forth in these Rules of Procedure shall not stop the ECC from proceeding in processing an Appeal.

## **Article 12**

### **Decisions on Appeals**

- 12.1 The ECC may summarily dismiss an Appeal that does not meet the requirements from Article 9 or where the Appeal is manifestly ill-founded.
- 12.2 The ECC shall examine all evidence submitted in a timely fashion. Based on this evidence and other evidence of which the ECC may choose to take notice, the ECC shall uphold an Appeal where the ECC determines that the PECC's decision was erroneous.
- 12.3 When the ECC upholds an Appeal, the ECC may direct action or impose a sanction in accordance with Article 54 of the Electoral Law, as appropriate.
- 12.4 When determining sanctions or penalties, the ECC shall ensure that the sanction is commensurate with the offence.
- 12.5 The ECC shall, when appropriate, use its best efforts in providing its decision to the Appellant and to the Appellee in writing, specifying a deadline for compliance with any imposed sanctions.
- 12.6 ECC's decisions shall be published in Dari and/or Pashto, and in English, and shall be made available to the public through the ECC website. Decisions may also be published in any other language, where doing so is appropriate.

## **CHALLENGES**

### **Article 13 Authority**

- 13.1 A person, natural or legal, who has a legitimate interest in the electoral process may submit a challenge to the eligibility or qualifications of any nominated candidate listed on the Preliminary Candidate List.
- 13.2 The ECC may review, on its own initiative, the eligibility and qualifications of any nominated candidate listed on the Preliminary Candidate List.
- 13.3 The ECC may consult a PECC, any governmental or non-governmental entity, national or international, or any other individual to collect information regarding the eligibility or qualifications of any nominated candidate.
- 13.4 The ECC may promulgate specific policies or procedures for considering challenges relating to Article 15.3 of the Electoral Law regarding individuals who command or are members of unofficial military forces or armed groups.

### **Article 14 Challenge Requirements**

- 14.1 Challenges, which must be in writing, may be filed at the central office of the ECC in Kabul. Any PECC or IECS Provincial Office receiving a Challenge shall forward that Challenge to the ECC, confidentially and without undue delay, any undue delay may be considered interference with electoral materials and may be considered as electoral offense.
- 14.2 Unless a different deadline is specified elsewhere by the ECC, a Challenge shall be filed during the public display period of the preliminary candidate list announced by the IEC.
- 14.3 A Challenge shall be deemed submitted on the date the Challenge is received in the ECC office in Kabul, in a PECC, or in any other IECS Provincial Office whichever is earliest.
- 14.4 The ECC shall make available Challenge forms at each PECC, IECS Provincial Office, at the central office of the ECC in Kabul, on the ECC website, and any other locations the ECC deems appropriate.
- 14.5 All Challenges must provide, at least, the following information:
  - (a) name, address, and contact information of the challenger;

- (b) a detailed description of the eligibility or qualification criteria not fulfilled by the nominated candidate being challenged;
- (c) details of any evidence and copies of any relevant documentation or other evidence in the possession of the challenger or a direction about where to find evidence when not in possession of the challenger; and
- (d) an attestation by the challenger as to the veracity of the contents of the Challenge.

Where possible, the Challenges should also provide:

- (e) the name, address, and contact information of the nominated candidate being challenged; and
- (f) the names, addresses, and contact information of any witnesses.

- 14.6 The respective PECC, IECS Provincial Office, or ECC staff shall assist a Challenger in completing a Challenge form when the Challenger so requests.
- 14.7 Challenges shall be filed in one of the working languages of the ECC, as defined in Article 2.13 of these Rules of Procedure. The ECC may accept Challenges in any other language whenever doing so is appropriate.

### **Article 15** **Consideration of Challenges**

- 15.1 Every Challenge received by the ECC shall be assigned a file number upon receipt, and become part of the permanent records of the ECC.
- 15.2 The ECC need not act on Challenges that do not meet the requirements set forth in Article 14 of these Rules of Procedure.
- 15.3 The ECC may, in its sole discretion, conduct hearings, as necessary and appropriate. In holding a hearing, the ECC may:
  - (a) request any person to appear before it and to present evidence that may assist the ECC in reaching a decision;
  - (b) allow witnesses to give evidence under oath or otherwise;
  - (c) request and receive relevant evidence, as the ECC considers appropriate; and
  - (d) where possible, provide an opportunity for the challenged candidate to be present and heard.
- 15.4 Provision of false information to the ECC is a violation of the Electoral Law and may be sanctioned the ECC. This Article does not preclude action by any other body prosecuting or otherwise bringing an action regarding the provision of false information to the ECC.

- 15.5 Where the ECC considers a Challenge to be well founded, the ECC shall notify the candidates and provide an opportunity to respond.

**Article 16**  
**Submission of a Response to a Challenge**

- 16.1 The subject of a Challenge may submit a Response after being notified of the challenge.
- 16.2 Responses to a Challenge, which must in writing, may be filed at the ECC office in Kabul. Any PECC or IECS Provincial Office receiving a Response to a Challenge shall forward that Response to the ECC, confidentially and without undue delay, any undue delay may be considered an interference with elections materials and may constitute an electoral offense .
- 16.3 Unless a different deadline is specified elsewhere by ECC, a Response to a Challenge shall be submitted within the candidate response period, and not later than 4:00 p.m. on 27<sup>th</sup> May 2009.
- 16.4 A Response to a Challenge shall be deemed submitted on the date the Response is received in the ECC office in Kabul, or in any IECS Provincial or Regional Office.
- 16.5 Responses to a Challenge must be filed in writing. The ECC shall make available Response to a Challenge forms at each PECC and at the central offices of the ECC in Kabul, and on the ECC website and other locations the ECC deems appropriate.
- 16.6 All Responses to a Challenge shall provide at least the following information:
- (a) name, address, and contact information of the Respondent;
  - (b) a defence against the candidate eligibility and/or qualification criteria allegedly not fulfilled by the nominated candidate, or a statement that even if the fact described in the Challenge is accurate, it is not a candidate eligibility or qualification requirement; and
  - (c) an attestation by the Respondent as to the veracity of the Response.
  - (d) any other information that may be required in writing by the ECC.

Where possible, the Response to a Challenge shall provide:

- (e) details of any evidence and copies of any relevant documentation or evidence; and
- (f) names, addresses, and contact information of any witnesses.

- 16.7 The PECC or IECS staff where the Response to a Challenge is filed shall assist the Respondent in writing a Response to a Challenge form when the Respondent so requests.
- 16.8 Responses to a Challenge shall be filed in one of the working languages of the ECC, as defined in Article 2.13 of these Rules of Procedure. The ECC may accept Responses in any other language whenever doing so is appropriate.
- 16.9 Failure to submit a Response to a Challenge in a timely manner as set forth in these Rules of Procedure shall not prevent the ECC from proceeding in processing a Challenge.

**Article 17**  
**Decision on Responses to Challenges**

- 17.1 The ECC may summarily dismiss a Challenge that does not establish a *prima facie* case or where the Challenge is manifestly ill-founded.
- 17.2 The ECC shall examine all evidence submitted in a timely fashion. Based on this evidence and any other evidence of which the ECC may choose to take notice, the ECC shall uphold a Challenge where the evidence is clear and convincing that a nominated candidate does not meet the qualifications and eligibility criteria for candidacy.
- 17.3 When the ECC upholds a Challenge against a nominated candidate, the ECC shall direct the IEC to remove the nominated candidate from the candidate list.
- 17.4 Upon adjudication of all Responses to Challenges, the ECC shall report the name of the nominated candidates definitively removed from the candidate list to the IEC,

The ECC shall, when appropriate use its best efforts in notifying, in writing ,its decisions to the challenger and the candidate who is to be .

**Article 18**  
**Miscellaneous**

- 18.1 These Rules of Procedure shall remain in force and effect, as amended by the ECC, until the ECC is dissolved. Decisions regarding amendments shall be made in accordance with Article 2.5 of these Rules of Procedure.
- 18.2 These Rules of Procedure enter into force on the day signed by the Commissioners.

Insert Dari  
Insert Pashto

**In Support of these Rules of Procedure**

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**Grant Kippen**  
Insert Dari  
Insert Pashto  
Chairperson

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*Maulawi Mustafa Barakzai*

Insert Dari  
Insert Pashto  
Commissioner

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*Fahim Hakim*

Insert Dari  
Insert Pashto  
Commissioner

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*Scott Worden*

Insert Dari  
Insert Pashto  
Commissioner

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*Maarten Half*

Insert Dari  
Insert Pashto  
Commissioner

Insert Dari  
Insert Pashto  
Dated at Kabul this 13 day of May, 2009