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## Afghan Official Expects Court to Void Election

By ROD NORDLAND

[Afghanistan](#)'s attorney general expressed hope on Tuesday that a special court appointed by the president to look into election fraud would throw out the results of the country's parliamentary elections, and predicted that the court would delay this week's planned inauguration of a new Parliament.

Speaking in an interview, Mohammed Ishaq Aloko, the attorney general and a strong supporter of President [Hamid Karzai](#), said his investigation of the September parliamentary elections uncovered such widespread fraud that the results should be annulled. Although the decision was up to the special court, he said invalidating the election seemed the most plausible step.

Mr. Aloko said, "Since there is not enough time before the inauguration of Parliament for the special court to come to its decision, there are two options — to delay seating Parliament until the court decides, or to inaugurate Parliament this week and afterwards the special court could remove anyone found guilty of fraud and replace them."

He said that he preferred the first option, and that he hoped that such a decision by the court would pave the way for new elections. "My view and the view of the attorney general's office is that it should be declared invalid, and new elections should be held," he said.

The attorney general's remarks were a strong indicator of what to expect from the special court, given the executive branch's influence over the five-judge panel.

Losing candidates have challenged the election results [for months](#). They say insecurity and fraud left many Afghans disenfranchised, particularly in the heavily Pashtun south, the area of Mr. Karzai's main political base and where the insurgency has been most intense.

It was not clear, however, that the winning candidates would accept the judgment of a special court whose legality had been called into question by numerous Afghan officials, international observers, opposition politicians and human rights activists. Many have denounced the court as way for Mr. Karzai to re-engineer the results to get a more supportive Parliament.

In the view of Afghanistan's international backers, which underwrote the cost of the elections with \$150 million, the results announced by Afghanistan's election commissions should be final.

"It is not up to the attorney general or the special court to say if the election is legitimate," said Ahmad Nader Nadery, head of the Free and Fair Election Foundation, an Afghan watchdog organization.

Mr. Aloko rejected criticism that the special court had no constitutional or legal basis for overturning the elections, and that at most it could prosecute cases of fraud. His office has prepared criminal cases based on 245 complaints, which have been presented to the special court. Despite evident criticism, he insisted that he did "not hear one word from the world community" that the court was unconstitutional.

Delaying the Parliament's inauguration would give the court the time it needs to come to a decision, Mr. Aloko said, adding that it need "at most one month more." When the court originally convened in late December, its spokesman said it would finish its deliberations in two weeks, by mid-January.

The special court was appointed by Mr. Karzai, and approved by the Supreme Court, in the wake of widespread protests by losing and disqualified candidates. The president has never publicly acknowledged the election commissions' certification of the results.

Even so, activities have already been under way here this week to provide orientation for the new Parliament members, though it turned out that Mr. Karzai plans to travel to Russia on the day of the inauguration, which is scheduled for Thursday.

It is the president's responsibility to call the new Parliament to session. As a result, according to Parliamentary Affairs Minister Humayoun Azizi, the president would convene Parliament on Sunday, after he returned.

"As long as there is no final decision of the special court, these members will go to Parliament and start their work," Mr. Azizi said.

However, with Mr. Aloko calling for elections to be annulled, "it puts the president in a very curious situation — will he inaugurate it?" Mr. Nadery said of the election watchdog group. "Once they're in office, there is no constitutional procedure for removing a member of Parliament, or replacing one."

On that issue, too, Mr. Aloko disagreed, saying the special court could remove a member of Parliament found guilty of fraud and replace him with the runner-up.

He acknowledged that process would be complex, particularly because many of the runners-up were also accused of fraud in an election in which one-fourth of the votes recorded were tossed out by the election commissions.

"There was just too much corruption to repair it," Mr. Aloko said, adding that he hoped that the court would call for annulment, paving the way for new parliamentary elections. "We will learn lessons from this bitter situation. We will be well prepared for the next round of elections."

Sediqullah Haqiq, chief judge of the five-member court, reached by telephone, declined to comment on the court's plans, other than to say its work was still under way. He said the court would have an important announcement to make on Wednesday, but would not elaborate.