

19 Oct 2010: 31 days after E-Day

Afghanistan *Wolesi Jirga* Elections, 18 Sept 2010

For the 2010 Afghan *Wolesi Jirga* elections, the National Democratic Institute (NDI) is conducting an observation mission and analyzing the electoral process before, during and after election day. This mission involves more than 160 international analysts and Afghan observers throughout the country. For more information, visit NDI.org and AfghanistanElectionData.org.

ECC processes over 4,000 complaints

The Electoral Complaints Commission (ECC) has been inundated with complaints, which are being processed almost entirely by provincial offices (PECCs). An NDI analysis of the complaints process shows that PECCs have taken widely different approaches to how they investigate and adjudicate complaints. The ECC's public release of decisions about complaints is a positive step toward transparency. But scrutiny of the decisions reveals considerable inconsistency in the complaints process.

In 2009, the ECC received just over 2,500 complaints during the entire election period. This year, as of Oct. 13, PECCs had received 4,177 complaints, of which 2,288 were considered serious enough to potentially affect the outcome of the vote.

As of Oct. 18, approximately 320 decisions have been posted on the ECC website. Almost 260 were PECC decisions from 19 provinces; the remaining decisions were made by the national ECC. NDI analyzed the posted decisions and found that they varied greatly by province in regard to: format; information provided about allegations and investigations; and consistency in decisions after electoral violations were investigated.

Format

Most posted decisions are structured around four components: allegation, investigation, conclusion and analysis. Some, however, deviate from this structure, with only some of the components included. Many decisions – such as all those in Khost and Paktia – were handwritten. A significant number, including eight of the 20 Khost PECC decisions, were illegible due to the poor quality of scanned copies of the decisions, or illegible handwriting.

Although there are many instances of multiple complaints from the same polling location, the PECCs issued separate decisions rather than grouping them. For example, at least 18 of the 21 PECC decisions from Zabul address variations of the same allegation of ballot box stuffing in Dar Chopan district. The PECC issued 18 separate decisions. Similarly, at least 12 Logar PECC decisions pertaining to one polling center are listed separately.

Information provided

A handful of PECCs, including Paktia, provide considerable detail about allegations, investigations and decisions. But most PECCs provide very little information. *Continued on p.2*

Election results delayed as process falls behind schedule

The IEC has delayed for the second time the announcement of preliminary results, most recently promised for Oct. 17, and now plans to announce them on Oct. 20. The commission is processing a large amount of data, and the workload has increased as suspicions of fraud have led to audits and recounts at polling stations.

The IEC initially said it would announce preliminary results on Oct. 9, but then pushed the announcement to the 17th. By Oct. 9 – 21 days after the election – the IEC had processed and archived votes from 3,131 polling centers out of a target of 5,497. This accounted for 57 percent of all polling stations. The IEC said it intended to finish the remaining portion – more than 2,300 polling centers – over the course of the eight-day extension.

The IEC waited until the last minute to announce the second delay. A press conference scheduled for 2 p.m. on Oct. 17 was pushed back to 5 p.m. But at about 3:30 p.m., the IEC said the announcement would be postponed until Oct. 20. An IEC spokesperson explained, "The reason for delay in results is to be more accurate and precise for the announcement of [*Wolesi Jirga*] preliminary results." Once the IEC announces the preliminary results, the ECC must adjudicate "all complaints concerning polling and count-

ing" before the IEC may certify the *Wolesi Jirga* results, according to the electoral law.



IEC and ECC officials conduct a recount of a polling station in Jalalabad in Nangarhar.

ECC decisions *(continued from p.1)*

A few decisions fail to mention even basic information, such as the polling center that was invalidated. One of the three decisions posted by the Paktia PECC refers to the invalidation of “above mentioned female stations,” without actually mentioning any specific stations.

Of note, the Paktia PECC includes information about what evidence was or was not “clear and convincing.” For example, the PECC mentions that it considered a video that was provided to support two complaints, but it dismissed the complaints because it found that the footage did not provide conclusive evidence of ballot box stuffing.

Other PECCs provided little information about their investigations, and instead restate the allegation as their finding. A number of PECCs refer to “documentation” as the basis of decisions without specifying what type of documentation. At least five complaints allege ballot box stuffing in favor of a candidate at a polling center (1019438) in Nangahar. Each complaint was dismissed on the grounds that the complainant could not provide documents or “enough reasoning.” There is no indication in these decisions that the PECC checked the ballot boxes in question.

In another case, the only posted decision of the Kandahar PECC, the complainant alleges that the Independent Election Commission (IEC) polling staff moved ballot boxes from a polling center (2814255) in Maroof district and stuffed them. The PECC decision states that investigators contacted IEC staff and the district governor. Both parties admitted to moving the boxes, but maintained it was done as a security precaution. The Kandahar PECC failed to examine the boxes; it dismissed the case on the grounds that moving ballot boxes for security reasons was not an electoral violation.

Decisions

PECC decisions were inconsistent on how fraudulent votes were handled. The Paktia PECC, for example, decided to invalidate votes from a number of polling stations upon discovering the presence of fraudulent ballots. But in Paktika, when fraudulent ballots were found, recounts were ordered. Other PECCs disqualified votes for certain candidates found to have engaged in fraud, rather than invalidating votes of entire polling stations.

Security forces face unexpected challenges in North region

Security forces were unprepared for the high level of election day violence in Balkh, officials told NDI. The province’s deputy police chief said there were more security incidents than expected in the districts of Charbolak, Chimtal and Shulgurah. An international elections official familiar with security preparations there said: “The security forces were overwhelmed and could not respond. They did not foresee that big scale action. These very skilled attacks were not expected.”

Sixteen people were killed in the Balkh on election day and 11 were injured, according to the international official. He pointed out that in neighbouring Faryab province about six people were killed, a lower number than last year. While Faryab is considered to be less secure than Balkh, security forces were better prepared, according to the official.

At the beginning of September, Balkh Governor Mohammad Atta warned that there were not enough police officers to provide adequate security in the three districts. He told NDI that the election day security plan was sound on paper, but he predicted that it would not be implemented fully due to a lack of resources.

Due to security concerns, 12 of the 32 planned polling centers in Charbolak, and 10 of the planned 27 in Chimtal were closed. The deputy police chief said there was effectively “no election” in Charbolak, as people were afraid to vote. He added that there were no female polling center searchers in either district, because local people told the women it was too dangerous to work on election day. The Free and Fair Elections Foundation of Afghanistan (FEFA), the country’s principal domestic monitoring organization, said its observers were unable to stay at polling stations to oversee ballot counting because of security concerns.

The Balkh PECC said the majority of complaints received originated in Charbolak, Chimtal and Shulgurah districts. The head commissioner said most complaints, such as ballot box stuffing, were categorized as serious enough to affect the outcome of the vote. He said the PECC continues to receive quarantined boxes from those districts for investigation.

Similar concerns have surfaced in the northeastern province of Kunduz, which was plagued by election day violence. About 60 candidates have organized themselves into a group demanding that the PECC perform thorough and transparent investigations into alleged widespread fraud in two particularly insecure districts: Chardhara and Dasht-I Archi. The candidates claim voter turnout was extremely low in those districts, yet most ballot papers were used. The group has threatened to call for street demonstrations if their complaints are not properly investigated.

Spotlight: Women lead in Nimroz race

In Nimroz, two female candidates are so far leading by a wide margin, according to preliminary results released by the IEC. One of the province’s two seats is allocated to a woman, but the latest figures indicate a potential for women to take both seats. As NDI noted in its Oct. 6 Election Update, this would be unprecedented in Afghanistan.

Currently, Fareshta Amini and Farida Hamidi are competing closely for first place, with Amini in the lead by only 103 votes. Their closest rivals trail by more than 1,000 votes.

NDI, which has worked in Afghanistan since 2002, is a nonprofit, nonpartisan, nongovernmental organization working to support and strengthen democratic institutions worldwide through citizen participation, openness and accountability in government. For the 2010 elections, NDI conducted seminars for over 1,700 candidates, organized training for political parties and more than 240 women candidates, and provided technical assistance to the Free and Fair Elections Foundation of Afghanistan (FEFA), the country’s largest domestic election monitoring organization. NDI also trained over 36,000 candidate agents nationwide to report on election-day activities.