



**Afghanistan Independent Human Rights Commission  
AIHRC**

**AIHRC-UNAMA  
Joint Monitoring of Political Rights  
Presidential and Provincial Council Elections  
Third Report  
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**United Nations Assistance Mission in Afghanistan  
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## Summary of Findings

- The elections took place in spite of a challenging environment that was characterised by insecurity and logistical and human resource difficulties. These elections were the first to be fully led and organised by the Afghanistan Independent Election Commission (IEC) and the Afghan National Security Forces (ANSF) took the lead in providing security for the elections. It was also the first time that arrangements were made for prisoners and hospitalised citizens, to cast their votes.
- The steady increase of security-related incidents by Anti-Government Elements (AGEs) was a dominant factor in the preparation and holding of the elections. Despite commendable efforts from the ANSF, insecurity had a bearing on the decision of Afghans to participate in the elections
- Polling day recorded the highest number of attacks and other forms of intimidation for some 15 years. Regrettably, 31 civilians were killed, including 11 IEC officials as well as 18 Afghan National Police (ANP) and eight Afghan National Army (ANA) personnel.
- The National Security Council order requested domestic and international media agencies to refrain from reporting any violence on polling day; coupled with the arrest of a number of journalists, this had a disquieting effect on freedom of expression. The majority of local media refrained from reporting on election-related violence.
- One third of registered voters, a figure which is significantly lower than the previous elections, are understood to have cast their ballots. Voter participation varied according to regions: turnout was low in conflict-affected areas while it was higher in places such as the Central Highlands and the Northern and Northeastern regions.
- Although Afghan women are demonstrating an increased interest in political matters, they voted in much fewer numbers than men largely due to insecurity and social-cultural constraints hindered the participation of women.
- A large number of allegations regarding electoral fraud and irregularities was made, especially with respect to ballot box stuffing. Fraudulent practices were common, particularly in the Central, Southern, Eastern and Southeastern regions. Proxy voting, underage voting and voters using multiple registration cards occurred in certain parts of the country. Widely reported problems with the improper use of indelible ink in some polling centres and malfunctioning hole punchers coupled with widely reported allegations of fraud, undermined voters' confidence in the electoral process.
- The freedom of voters to choose their candidate is limited by societal practices in Afghanistan; the choice of the preferred candidate of the community is sometimes determined by an influential community leader or collectively. The freedom of the individual voter to choose was further inhibited by candidates, their agents and local commanders as well as some IEC and government officials, directing or intimidating voters and campaigning at polling centres.
- On 20 October, the IEC announced that a run-off would take place between President Karzai and Dr. Abdullah Abdullah on 7 November. According to IEC calculations based on the Electoral Complaints Commission (ECC) decision of 18 October, the votes for the leading candidate were reduced to below the 50 per cent threshold needed to avoid a run-off.

## **Introduction**

The Presidential and Provincial Council elections took place on 20 August 2009 in a difficult environment given the volatile security situation in the South, Southeast and parts of the North, a high level of intimidation, relatively low participation of women and voters in general especially in conflict-affected areas, and concerns about violence and fraud. Nonetheless, in various parts of the country, Afghans made a determined effort to cast their vote. As noted by many, including international observer missions,<sup>1</sup> the holding of the elections was an important achievement for the Afghan people that demonstrated their commitment to the democratic process.<sup>2</sup>

These elections were the first to be fully led and organised by the Afghanistan Independent Election Commission (IEC). Save for a few places, election materials were distributed safely and in a timely manner and logistics for the elections were organised professionally. Most of the 6,210 polling centres<sup>3</sup> across the country opened on time and were staffed with over 120,462 polling staff.<sup>4</sup> A larger number of polling centres<sup>5</sup> opened compared to the number opened during the 2004 and 2005 elections.<sup>6</sup>

For the first time, Afghans with special needs were able to vote. Arrangements allowed prisoners (who have not been deprived of their right to vote by a Court of law) and hospitalised citizens, to cast their votes. The IEC set up an additional 82 polling stations to facilitate voting of those with special needs.

In addition, a high number of observers and agents of candidates were present in most polling stations<sup>7</sup> across the country except for a lower number deployed to insecure regions. Their mere presence in polling centres served as a deterrent to fraud, especially in so far as agents of candidates are concerned since they were entrusted with reporting on any irregularities they would witness. The IEC accredited 169,709 agents of Provincial Council candidates (of which 36,222 were female); 92,897 agents of Presidential candidates (of which 21,103 were female); 1,250 international observers (of which 158 were female); 9,228 domestic observers (of which 3,758 were female); 609 international media personnel (of which 152 were female); 638 domestic media personnel (of which 126 were female); and 6,998 agents of political parties (of which 396 were female).<sup>8</sup> Free and Fair Election Foundation of Afghanistan (FEFA) deployed 7,368 observers, including 2,642 female observers.<sup>9</sup>

The United Nations Assistance Mission in Afghanistan (UNAMA) and the Afghanistan Independent Human Rights Commission (AIHRC) visited 929 polling centres on polling day. Reports of these visits as well as consultations with key stakeholders (in particular FEFA, National Democratic Institute (NDI), International Republican Institute (IRI), Organisation for Security and Cooperation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the European Union (EU)) inform the third Political Rights Monitoring (PRM) report. This report focuses on four key issues, namely insecurity and violence in the run up to elections and on polling day; participation of the Afghan people, particularly women, in the elections; electoral irregularities and fraud; and, freedom of expression.

### **I. Insecurity and Intimidation**

#### ***Intensified violence and intimidation in the lead up to elections***

In the lead up to polling day, insecurity was a dominant concern in the preparation and holding of the elections. The week before polling day witnessed a steady increase of security-related incidents by Anti-Government Elements (AGEs) throughout the country, aimed at creating an environment of fear to discourage voters and intimidate IEC officials. Tactics of intimidation included killings, abductions, Improvised Explosive Device (IED) attacks, illegal checkpoints and night letters, particularly in Kandahar, Uruzgan, Helmand provinces (in the South), in Ghazni and Khost provinces (in the Southeast), and

Kapisa, Wardak and Logar provinces (in the Central region).<sup>10</sup> These tactics, as illustrated by the content of night letters, were designed to intimidate and reduce participation in the elections. Several night letters also warned school authorities to keep schools closed or not to allow schools to be used as polling centres. A general warning was formally issued and widely disseminated by the Taliban on 18 August 2009.<sup>11</sup> The Taliban also directly intimidated voters, through warnings over loudspeakers and lectures at mosques.<sup>12</sup>

Intimidation by AGEs increased significantly in the build up to elections. In the days immediately prior to 20 August 2009, AGEs were reported to have set up road blocks to restrict access to polling centre locations in several areas, and issued specific warnings targeting voters, including the threat that anyone whose fingers were marked with ink (a sign that a person had voted) would have their fingers cut off. Notably, four suicide attacks were carried out during the week preceding polling day – one in Helmand province on 14 August 2009; two in Kabul city on 15 and 18 August 2009, respectively;<sup>13</sup> and, one in Uruzgan province on 18 August 2009. These attacks were of particular significance for the electoral process as they exacerbated a pervasive sense of insecurity amongst voters, particularly in Kabul city where such attacks had not been witnessed for months.

Candidates and their campaign staff bore the brunt of AGE intimidation and direct attacks in the weeks leading to polling day. Between 1 and 19 August 2009, there were 15 incidents of attacks or IEDs by AGEs against vehicles carrying candidates or their campaign staff.<sup>14</sup> Accordingly, five campaign staff of Presidential candidates were kidnapped,<sup>15</sup> one Provincial Council candidate<sup>16</sup> and two campaign staff were killed by AGEs.<sup>17</sup>

Polling centres, IEC convoys transporting election-related materials and IEC staff were also targeted by AGEs. There were at least 29 attacks against polling centres, including schools used as polling centres, that solely resulted in material damages; 14 attacks against convoys carrying election-related materials or Afghan National Security Forces (ANSF) escorts of these convoys, particularly in the last four days leading up to polling day.<sup>18</sup> Notably, nine IEC officials were killed in the South, North and Northeast<sup>19</sup> and five IEC officials were kidnapped.<sup>20</sup>

### *Insecurity on polling day*

The attacks and intimidation tactics continued on polling day. 20 August 2009 was marred by the highest number of recorded security incidents in one day (300 incidents) for some 15 years. The number and intensity of attacks were regionally diverse – it was relatively calm in most areas in the North, West and Central Highlands, while security incidents were mostly reported in the South, Southeast, certain parts of the Central (Wardak and Logar) and Northeast (Baghlan and Kunduz) regions.<sup>21</sup> These included rocket attacks within the vicinity of polling centres and against nearby ANSF checkpoints, IEDs, small scale armed clashes and stand-off attacks. Insurgent violence levels were higher in the morning as polling centres opened and tapered off in the afternoon. On 20 August 2009, 31 civilians were killed and 79 civilians, injured; according to the IEC, amongst the civilian casualties were 11 of their officials.<sup>22</sup> In addition, 18 Afghan National Police (ANP) and eight Afghan National Army (ANA) personnel were killed; and, at least 27 ANP and 27 ANA personnel were injured.<sup>23</sup> However, the vast majority of incidents were of relatively low intensity and apparently did not intend to cause deaths. Most analysts believed these attacks were meant to create a climate of fear amongst the population so as to undermine their willingness to access polling centres.

## **II. Right to Vote**

The decision of many individuals to exercise their right to vote was influenced by a number of factors, predominantly insecurity as well as cultural constraints (especially for women) and dissatisfaction with public institutions.<sup>24</sup> As a result, despite commendable efforts by ANSF and the IEC, participation in the

elections was lower compared to the Presidential elections in 2004<sup>25</sup> and the Parliamentary elections in 2005<sup>26</sup>, in most parts of the country. According to the IEC, based on their figure of 15,295,016 eligible voters, 38.7 percent of eligible voters participated in the elections, of which 58.42 percent were men, 38.75 percent were female voters and 2.83 percent were Kuchis.<sup>27</sup>

### *Insecurity and voting*

The extent of voter participation mirrored the security situation in different parts of the country on polling day. The elections proceeded in a relatively peaceful manner in the Northern<sup>28</sup> (except Ghormach district), Western<sup>29</sup> (except Shindand district (Herat province) and Farah province) and Central Highlands<sup>30</sup> regions, Takhar and Badakhshan provinces<sup>31</sup> (in the Northeastern region) and Panjsher and Parwan provinces<sup>32</sup> (in the Central region), where security incidents on polling day were isolated. The generally calm situation in these regions,<sup>33</sup> coupled with robust civic education activities, contributed to the relatively high turnout in these parts of the country.

By contrast, according to the IEC, due to security incidents 760 polling centres could not be opened.<sup>34</sup> UNAMA and the AIHRC noted that the following provinces were particularly affected<sup>35</sup>: Kapisa, Logar and Wardak (in the Central region),<sup>36</sup> Kunduz and Baghlan provinces (in the Northeastern region),<sup>37</sup> Farah and Herat provinces (in the Western region),<sup>38</sup> Nuristan province (in the Eastern region),<sup>39</sup> Paktika (in the Southeastern region),<sup>40</sup> as well as the Southern region. On-site independent monitoring regarding the number of polling centres that were closed due to insecurity in the Southern region was, however, not possible.

In addition, large segments of the population in areas affected by violence – mostly the South, Southeast and East, Logar and Wardak provinces (in the Central region), Kunduz and Baghlan provinces (Northeastern region) and Farah province (Western region) – stayed away from polling centres. It is widely believed that the insecurity inhibited these Afghans from exercising their right to vote. Very few people were seen on the streets in the Southern region, in particular Kandahar, Helmand, Zabul and Uruzgan provinces<sup>41</sup> (with the exception of Nimroz province<sup>42</sup>). In the Southeast, specifically in Khost province<sup>43</sup> and throughout Ghazni and Paktika provinces, insecurity seemed to have been a key factor in the decision-making of voters to cast their ballot. Similarly, in most areas in Wardak province, only a handful of voters showed up at the very small number of polling centres that were opened.<sup>44</sup>

Sporadic rocket attacks and IEDs as well as clashes between ANSF and AGEs, within the vicinity of polling locations not only dissuaded people from participating in the elections, but also led to either premature<sup>45</sup> or temporary<sup>46</sup> closure, or relocation,<sup>47</sup> of polling centres – thus, preventing altogether, people from casting their ballot or forcing them to travel longer distance to access a more secure polling centre. For example, in Lashkar Gah district, Helmand province, the polling centre at Karzai stadium was hit by a rocket when it opened, killing a child and wounding two adults, causing the handful of people at the stadium, to leave. In Narang district, Kunar province, a missile impacted near the Bar Narang School polling center and fighting between ANSF and AGEs, led to the closure of the polling centre. Voters are said not to have returned when the polling centre eventually reopened later in the day. Similarly, in the district administrative centre of Khas Uruzgan district, Uruzgan province, on-going clashes between ANSF supported by International Military Forces (IMF) and AGEs and mortar attacks eventually deterred many people from casting their votes.

In Taliban-controlled areas, the population reported fearing retaliation from the Taliban for participating in the elections. As previously indicated, the Taliban had earlier issued threats to the people, warning them not to participate in the elections or their fingers would be cut-off, and had instituted a ban on movement.<sup>48</sup> As a result, voting in the majority of Zabul province, certain parts of Helmand province (Sangin, Washer, Khanishin, Garmser, Kajaki, Dishu, Baghran and Naw Zad districts) and most parts of Nangarhar, Kunar, Nuristan and Laghman provinces (in the East), if any, was limited to district

administration centres. In some parts of the country, the establishment of road blocks by AGEs made those threats credible in the eyes of the population.<sup>49</sup>

### ***Relocation or merging of polling centres and polling stations***

In an effort to maximise security in and around polling locations, on 18 August 2009, the IEC announced that 6,519 polling centres would be opened on polling day.<sup>50</sup> As previously indicated, this figure was an increase compared to the number of polling centres opened during the 2004 and 2005 elections. The IEC conducted a series of voter education activities and information campaigns, so that voters were informed of the locations of polling centres. For example, in the Northern region, this was part of the “how to vote” and “where to vote” public outreach initiative of the IEC.

However, as a result of insecurity and the fact that the IEC only announced the locations of polling centres one week after the scheduled date, the IEC civic educators were only able to access and conduct voter education, mostly in secure and urban areas. Agents of candidates and candidates took it upon themselves to inform voters of relocated or merged polling centres, in volatile areas in the South, Southeast, East and in Kunduz province (in the Northeast). It is alleged that some voters were still not aware of the location of polling centres on polling day. For example, in Kishm and Khwahan districts, Badakhshan province, a number of polling centres received an influx of voters as the latter claimed that they did not know where to go to cast their ballots. Fears were previously expressed that the merging or co-location of polling centres or stations would disenfranchise certain segments of the population, in particular women, due to the further distance to access a polling centre.<sup>51</sup> However, this could not be confirmed or discounted.

### ***Women’s participation***

Although Afghan women have demonstrated increasing interest in political and electoral processes, the cumulative effects of insecurity and cultural norms preventing women from participating in public life continue to represent significant barriers to women’s participation. Women’s ability to vote was very much dependent upon local conditions. Generally, there were considerably fewer women than men at polling stations casting their votes. Female participation was heartening in relatively secure areas of the country, such as the provincial capitals in the Northern<sup>52</sup> and Central Highlands<sup>53</sup> regions and some parts of the Western (Herat and Badghis provinces)<sup>54</sup>, Northeastern (Badakhshan province) and Central regions (Parwan province). Even more encouraging, in Shibirghan city,<sup>55</sup> Jawzjan province and Qala-i-Naw, Badghis province, female turnout was higher than male turnout. In these regions, the high turnout was explained by some as a result of greater levels of awareness with regard to the right to vote, including effective mobilisation of female voters by female candidates.

In volatile areas, according to the AIHRC and UNAMA’s sources, approximately 430 polling stations for females did not open or had to be relocated or merged. It is likely that this decision (although justified by security considerations) made it more difficult for women to access polling stations since given cultural and logistical constraints (such as using public transport), women face serious difficulties when they are required to travel long distances.

While there is no evidence to suggest that female voters or polling stations for women were particularly targeted by AGEs, the insecure environment is understood to have deterred women from voting.<sup>56</sup> For example, it was noted that in Kabul city, women’s political participation was lower than expected for an urban area. Some have asserted that women’s decision to vote was probably more influenced by the insecure situation than cultural constraints. This year’s elections contrasted with those in 2004 and 2005 when turnout of women was far higher. In the Southern and Eastern regions,<sup>57</sup> Farah province (in the Western region), Wardak and Logar provinces<sup>58</sup> (in the Central region) and Kunduz province (in the Northeastern region), female participation in the elections was at a low level. At the lowest end of the

spectrum, no female voters allegedly cast their ballots in the rural district of Naw Zad district, Helmand province,<sup>59</sup> at one polling centre in a mosque in Khan Neshin, Helmand province<sup>60</sup> and in Atmori area, Logar province.

Additionally, the overarching traditional perception of the role of women in a male-dominated society constrains women's freedom of movement and of choice. Culture and local customs in most parts of the country meant that the participation by women in the electoral process, be it as a candidate or a voter, is regarded as inappropriate or irrelevant. Threats, harassment and attacks on women participating in public life<sup>61</sup> and the Shia Personal Status Law that was gazetted prior to the elections are examples of the conservative attitude towards women in Afghan society. Therefore, it is not surprising that despite voter education by the IEC and efforts by civil society organisations and politicians to encourage women to vote, many women were not in a position to exercise their right to a free and informed choice to participate in the electoral process.<sup>62</sup>

Although 62,844 female IEC staff were recruited to manage polling stations for women,<sup>63</sup> these were marginally fewer than those required to meet the planned needs of the polling stations for women. As a result, 3,504 polling stations for women were managed by men, including elders or trustworthy community leaders. Most of these polling stations were in the Paktya, Paktika, Khost and Ghazni provinces (Southeastern region),<sup>64</sup> Ghor province (Western region),<sup>65</sup> and in Nangarhar province (Eastern region).<sup>66</sup> The lack of female IEC staff to work at polling stations may have certainly discouraged some female voters from going to these polling stations, not least because cultural norms dictate that casting votes in the presence of men is inappropriate for women.<sup>67</sup> According to FEFA, the lack of female staff in some areas deterred women from voting in the Southern region.<sup>68</sup> For example, in Uruzgan province, a group of female voters came out to vote in the northern part of Chora district, but eventually did not cast their vote due to the absence of female election staff at the station.<sup>69</sup>

### **III. Fraud and Irregularities**

With a view to tackling fraud, the IEC drew up several anti-fraud mitigation and detection measures, including, the requirement for cast ballots to be stamped to be valid, the use of indelible ink, the use of numbered seals for ballot boxes, the use of tamper evident bags for the secure transmission of result sheets and polling station journals, strict security and limited access to sensitive election materials and, pre-planned audits. Other anti-fraud measures included strict controls on movement and handling of sensitive materials, procedures designed to discourage and detect fraud (including the six criteria for exclusion, referred to below) and maximum transparency, in particular scrutiny by observers, agents and journalists.<sup>70</sup>

In addition, to ensure the validity and integrity of results entered into the tally process, “triggers” were built into the system to identify suspicious results, which would be automatically quarantined.<sup>71</sup> These “triggers” included the following six criteria for quarantine of results: 1) 600 votes or over were recorded in a polling station and 95 percent votes were for one candidate; 2) the total number of votes recorded for the polling centre exceeded the total number of ballot papers issued to the polling centre; 3) polling stations with over 1,000 votes, where it was confirmed that the results represent only one polling station, and not a compilation of stations; 4) results received from polling centres that actually did not open; 5) results from polling centres which were audited by the IEC and found to be fraudulent; or 6) results which the IEC regarded as suspicious.

In this regard, the Electoral Complaints Commission (ECC) is empowered to adjudicate complaints relating to electoral offences, including fraud in voting or vote counting and illegal interference with election materials or ballot boxes.<sup>72</sup> If an electoral offence has been committed, the ECC may order a recount of ballots, a repeat of the voting, invalidate ballots as well as order other sanctions and penalties.<sup>73</sup>



Only after adjudication by the ECC of complaints concerning polling and counting, will the IEC be in a position to certify the election results.<sup>74</sup>

On 8 September 2009, the Special Representative of the Secretary-General (SRSG) Kai Eide called upon the IEC and ECC to exclude the preliminary count results from ballot boxes where there is evidence of irregularities. He further stressed that the “integrity of these elections is of the utmost importance to Afghanistan...” and that IEC and the ECC should carry out their mandated work to high standards to “ensure that the final outcome faithfully reflects the will of Afghanistan’s voters”.<sup>75</sup>

However, fears were expressed that, when it announced the preliminary results for the Presidential elections on 8 September 2009, the IEC applied only three out of the six exclusion criteria<sup>76</sup> and quarantined the results of 579 polling stations.<sup>77</sup> The IEC maintained that the Electoral law did not vest the IEC with the power to invalidate election results and that any quarantined results would have to be sent to the ECC for adjudication and invalidation, if appropriate.

The ECC received 2,584 complaints, of which it designated 893 as being high priority cases.<sup>78</sup> On 8 September 2009, after conducting preliminary investigations on a number of ballot boxes in the Presidential elections, the ECC found clear and convincing evidence of fraud (see further below) in a number of polling stations. Evidence the ECC received included indications from the ballot boxes, the forms accompanying the ballots, and the condition of the ballots themselves that the ballots had not been legally cast or were not properly counted.<sup>79</sup> In addition, the ECC ordered an audit and recount of ballot boxes for the Presidential election where the total number of ballots cast in a polling station was 600 ballots or more or polling stations with more than 100 votes in which one Presidential candidate received 95 percent or more of the total votes cast.<sup>80</sup> Accordingly, the IEC announced that in addition to the nullified results from 447 polling stations, results from 3,377 polling stations would be recounted and audited. Cognisant of the lengthy time to audit and recount a large number of ballot boxes, the ECC and the IEC agreed to conduct the audit by statistical sampling; 345 ballot boxes were randomly selected to be audited. The audit which began on 5 October 2009, supplemented ECC investigations of complaints submitted to it on or after elections day. The ECC used the results, as well as findings from its investigations into complaints received, in deciding whether the electoral irregularities had an impact on the Presidential election results (see **Annex 1** for the ECC Policy on Audit and Recount Evaluations).

A significant number of complaints regarding electoral fraud and irregularities, were received by UNAMA and the AIHRC; cases referred to in this section, mainly as endnotes, are examples of the allegations that the joint teams received and were able to examine. UNAMA and the AIHRC received 387 complaints regarding fraud and irregularities, of which 241 complaints were corroborated. They are presented below in the order of the number of complaints received. Fraudulent voting did not affect all parts of the country, but was most prevalent in the Central, South, Eastern and Southeastern regions and Farah province (in the West). Although approximately 280,000 observers and agents of candidates were deployed across the country to observe – and thus be a deterrent to fraud and to maximise detection of error and malfeasance,<sup>81</sup> insecurity prevented observers from going to a number of polling stations in the Southern, Southeastern and Eastern regions as well as in Wardak, Logar and southern districts of Kapisa provinces (Central region); later on, a large number of complaints of fraud and irregularities originated from these locations.<sup>82</sup>

### ***Ballot box stuffing***

Allegations of ballot box stuffing are of a serious nature, considering that if proven true and given the extent of the problem, the integrity of the election results could potentially be severely affected. The overwhelming number of allegations received by UNAMA and the AIHRC pertaining to fraudulent activities relate to ballot stuffing. As indicated by the ECC, factors that gave rise to suspicion of ballot stuffing include: all polling stations in a particular location having the exact same number of ballots cast;

polling stations where a particular candidate received 100 percent of the votes; discrepancy in the result sheet and the number of ballots actually in the ballot box; identical markings on ballots; discrepancy between the number of voters recorded in the polling station journal and the number of ballots cast; and, ballot papers which did not have crease marks, indicating that they were not folded and cast through a ballot box slot.<sup>83</sup> In determining whether fraud was committed, the ECC used a combination of these elements.

Complaints that the integrity of ballot boxes were compromised were received mostly from the Southern region,<sup>84</sup> particularly in Spin Boldak (Kandahar province), Tirin Kot (Uruzgan province) and Shorabak (Kandahar province) districts; in the Southeastern region,<sup>85</sup> particularly in Ghazni and Paktika provinces, Eastern region<sup>86</sup> and in the Central region,<sup>87</sup> mainly in Kabul, Logar, Kapisa and Wardak provinces. Typically, complaints received were that of candidates, IEC and government officials, local commanders or the ANP, removing ballot boxes from polling stations the night before polling day or on polling day, to take them to another location (usually private houses), where allegedly, these boxes were filled with ballots in favour of particular candidates. In Shorabak, Registan and Spin Boldak districts, Kandahar province, numerous reports were received of ballot boxes being filled by government officials, including members of the ABP. Similarly, in Yousef Khel district, Paktika province, it was reported that the district administrative manager took ballot boxes to his home. In this respect, the ECC invalidated all ballots from 83 polling stations in Paktika, Kandahar and Ghazni provinces.<sup>88</sup>

There were isolated reports that some of the fighting at the polling centres was staged to facilitate ballot box stuffing. For example, in Imam Sahib and Qala-I-Zal districts, Kunduz province and in Lala Mangal and Jaji Ahmad Khel districts, Paktiya province, it was alleged that the shootings and attacks that occurred at these polling centres were orchestrated to allow some Provincial Council candidates to take empty ballot boxes away and bring them back filled with ballots.<sup>89</sup>

#### Discrepancies between number of votes and voter participation

In a number of instances, the number of ballots cast was higher than the number of voters reportedly seen at the polling stations. In other instances, the number of ballots cast far exceeded the expected number of registered voters in that area. The IEC had estimated that each polling station would accommodate 600 voters. The ECC stated that “in the majority of polling stations in which it found fraud, the number of ballots cast were far in excess of what could be expected based on credible observer reports of low voter turnout.”<sup>90</sup> Such discrepancies occurred mostly in insecure areas. Ballot boxes from Spin Boldak, Kandahar province, in particular, recorded 500 to 600 ballots, indicating a high turnout, although eye witness accounts indicated fairly empty polling stations; in Bala Jarai area, Arghistan district, Kandahar province and in Hekmand Karez area, Lashkar Gah city, Helmand province, allegedly no voters turned up, but ballot boxes were full; in Andar district, Ghazni province, a significant number of votes (25,000) were cast while it is asserted that there are only 1,600 people living in the area; in Ghazni city, Ghazni province, in Spante polling centre, all the ballot boxes were full (with reported 20,000 ballots) although it is contended that the number of registered voters in Spante is only 1,700.

As noted above, the ECC ordered an audit and recount, based on statistical sampling, of ballot boxes for the Presidential election in polling stations where the total number of votes cast in a polling station for the Presidential election is equal to or greater than 600, which represents a 110 percent turnout<sup>91</sup> based on the IEC’s pre-poll estimate of likely voters in that location.

#### Exceptionally high percentage of ballots cast for one single candidate

On 8 September 2009, the ECC ordered an audit and recount (based on statistical sampling) where there was an exceptionally high percentage of ballots cast for one single candidate, i.e., at least 95 percent of the total number of votes cast in a given polling station; or, where the exact same number of ballots were cast for a particular candidate in a number of polling stations, belonging to the same polling centre.<sup>92</sup> Allegedly, at least 30 polling centres in Kandahar province and at least 35 polling stations in the

Southeastern region displayed similar questionable results. To cite a few examples, in the four polling stations in a polling centre at Awal Camp, Zhari district, Kandahar province, 2,288 ballots were cast in favour of a particular candidate; in a polling centre at Shir Shah, Kandahar province, all 4,715 votes were cast for one single candidate; in a polling centre of Ali Ahmad Khel area, Paktya province, all 1,642 votes in the five polling stations were in favour of one same candidate – other candidates did not receive any votes at all; and in a polling centre, Paktika province, three polling stations recorded the same results, i.e., each of them were 1,044 votes cast in favour of the same Presidential candidate.<sup>93</sup>

### ***Campaigning at polling stations and instructing voters***

The freedom of voters to choose their candidate is limited by societal practices in Afghanistan; frequently, the choice of the preferred candidate of the community is determined by an influential community leader or collectively. The freedom of the individual voter to choose was further inhibited by candidates, their agents and local commanders<sup>94</sup> as well as some IEC and government officials, directing voters and campaigning at polling centres, where UNAMA and the AIHRC received numerous reports in the latter category.<sup>95</sup> In view of local power structures, such practices severely inhibited the free choice of voters. The ECC received 784 complaints of intimidation, violence and campaigning.

#### **Campaigning at polling centres**

Campaigning at polling centres was carried out both for the benefit of Provincial Council candidates and Presidential candidates. Campaigning on polling day violates the Electoral Law. Reports of such infringements of that law by Provincial Council candidates, agents of candidates and supporters took place, particularly in the Southeast, South,<sup>96</sup> North<sup>97</sup> and Eastern<sup>98</sup> regions. The ECC received 84 complaints of that nature from Kabul province; 83 from Baghlan province; 68 from Herat province; and 52 complaints from Takhar province.<sup>99</sup> Examples of campaigning at polling centres included: supporters carrying posters of candidates, direct campaigning by Provincial Council candidates, or the distribution of scarves to women voters,<sup>100</sup> and the distribution of food.<sup>101</sup>

#### **Intimidation and coercion**

Complaints regarding voters being instructed or directly intimidated were rampant and were reported in most regions - North,<sup>102</sup> South,<sup>103</sup> Northeast,<sup>104</sup> East<sup>105</sup> and Central<sup>106</sup> regions; agents of candidates and their supporters and in some cases, Provincial Council candidates themselves, either openly directed voters before the latter cast their ballots or eventually went behind the voter screen.

In addition, many allegations of government and IEC officials<sup>107</sup> interfering in the voter's free choice were made. Such interferences were mostly carried out by some district or provincial governors, district chiefs of police and ANP officials.<sup>108</sup> For example, in Kandahar and Uruzgan provinces, ANP, Afghan Border Police (ABP) and district governors were directing voters to vote for particular candidates.<sup>109</sup> Such practices are in breach of the principle of impartiality of IEC and government officials during the elections.<sup>110</sup> In certain instances, local commanders were seen at polling centres, with their armed men, coercing voters to vote for specific candidates.<sup>111</sup> Additionally, in accordance with customs, some voters were authorised by IEC officials to congregate behind the screen to collectively choose their candidate. Some have argued that this could be used by influential power-brokers, in particular local commanders, to direct voting.

### ***Multiple voter registration cards***

Complaints of voters using multiple voter registration cards were received, but the volume of the complaints suggest that this was not an extensive problem. In this respect, most complaints emanated from the Central and Eastern regions, with sporadic complaints in other regions. In Kabul and Logar provinces (Central region) and Laghman province (Eastern region), the bad quality of the ink is said to have enabled voters to cast their votes more than once since there was no 'physical' evidence regarding

the fact that a person had already voted.<sup>112</sup> It was reported that local government officials, *shura* members and agents of candidates, were involved in such fraudulent practice. For example, in Charkh district, Logar province, a government official was in possession of approximately 80 voter registration cards; and, in Tani district, Khost province, the District Field Coordinator (DFC) was reportedly handing out 25 to 30 ballots to each voter, to vote in favour of a Provincial Council candidate.<sup>113</sup>

### ***Proxy voting***

Proxy voting was mainly carried out on behalf of women and this infringed upon women's right to vote independently and freely. Proxy voting is closely linked to the culture of a male family member casting ballots for his entire family, in particular the family's female members. The practice of proxy voting was widely accepted by polling staff, particularly in conservative and/or rural areas. Proxy voting was often carried out with a high number of voter registration cards.<sup>114</sup> Complaints of proxy voting emanated mainly from the South, Southeast (Paktya, Paktika and Ghazni provinces)<sup>115</sup> and the Central regions.<sup>116</sup> In Yousef Khel district, Paktika province, a female Provincial Council member was reportedly advised not to leave her house because of local customs and that her husband would vote on her behalf. Also, in Gardez city, Paktya province, a voter, said he cast 35 votes of female members of his family.

### ***Underage voting***

The problem of underage voting was localised to certain areas in the Northeastern, Eastern and Central regions. Underage voting was facilitated by the inconsistent checking of national identification cards and voter registration cards. For example, in the four Northeastern provinces of Badakhshan, Kunduz, Takhar and Baghlan, reports indicate that underage girls were seen casting votes in a number of polling stations.<sup>117</sup> In the Eastern region, there were high numbers of underage voting in Asadabad district, Kunar province and at polling centres in Sangar, Warnata and Sakhra areas, Alingar district and Shahidan and Kakas areas, in Qarghayi district, Laghman province.<sup>118</sup> Such incidents were more sporadic in the Central region.<sup>119</sup>

### ***Deficiencies***

Problems regarding the improper use of the indelible ink (that in some locations could be removed with bleach) and country-wide malfunctioning hole-punchers (used to mark voter registration cards) that were eventually replaced with scissors were a common complaint.<sup>120</sup> These problems were noted by observers such as ANFREL and FEFA as well as individual witness accounts, including, a Presidential candidate on Tolo TV. These practical aspects of election administration were a factor in undermining voters' confidence in the electoral process, particularly, in light of the fact that indelible ink had been widely portrayed as one of the four anti-fraud measures to ensure the integrity and credibility of the elections.

## **IV. Freedom of Expression**

As noted in the second PRM report, freedom of expression continued to be generally respected during the last 17 days of the campaign period, when supporters and candidates were able to attend and organise public rallies.<sup>121</sup> As the campaign period drew to a close on 17 August 2009, large public rallies were held by some Presidential candidates such as President Karzai, Dr. Abdullah Abdullah, Dr. Ashraf Ghani and Dr. Ramazan Bashardost across the country, crossing ethnic lines. Supporters attended such rallies, in increasing numbers. The public debate between three Presidential candidates (President Karzai, Dr. Ashraf Ghani and Dr. Ramazan Bashardost), which was televised by the Afghan national television station, attracted significant public attention.<sup>122</sup>

Notwithstanding those cases reported on polling day (see above), candidates, their supporters and the media largely appear to have respected the obligation not to campaign or distribute campaign materials, during the campaign silence period – 48 hours before polling day. Instances of campaigning during the silence period, as reported by the IEC Media Monitoring Commission included Noorin, Tamadun and Shamshad television stations as well as one state-owned newspaper, Armani Milli and Nakhust newspapers, which broadcast or printed articles in favour of certain candidates, during the campaign silence period.<sup>123</sup>

On the eve of the elections, the National Security Council issued an order requesting domestic and international media agencies to refrain from reporting any violence in the country between 6.00 a.m. and 8.00 p.m. on polling day and to stay away from scenes of any security-related incidents.<sup>124</sup> The media reported that the government would expel foreign journalists and close media outlets that violated the ban.<sup>125</sup> According to the Office of the President, the order was meant to “encourage people and raise their morale to come out and vote”.<sup>126</sup> Accordingly, on 19 August 2009, 10 journalists were arrested by the ANSF for covering the fighting that occurred at police district 1, Kabul city; similarly, on polling day, two journalists were arrested for covering a fight that had erupted at police district 8, Kabul city. All the journalists were released a few hours after their arrest, although some had their videotapes confiscated.

As a result of the order, it is believed that local media (with the exception of Tolo TV) refrained from reporting on election-related violence on polling day. This was criticised by many, particularly journalists. The president of the Afghanistan Independent Journalists’ Association stated that free media reporting was directly linked to the credibility of the elections.<sup>127</sup> UNAMA and the AIHRC asked the Government to lift the media ban on reporting of violence, referring to the Afghanistan Constitution that guarantees a free press.<sup>128</sup> It is unclear whether the lack of media reporting on the prevailing security situation on 20 August 2009 impacted on voters’ participation.

Reports indicate that the environment for journalists after polling day remains restrained. Journalists expressed their concerns about not being able to report election-related issues freely, including without fear of threats. Some have been threatened by candidates if they were to report on any fraud or irregularities. For example, in Ghazni province, a journalist was asked by agents of candidates to handover documents and footage, reportedly of irregularities, collected during polling day. Reports were also received that the Taliban were threatening journalists, prohibiting them from reporting positively on the elections.<sup>129</sup>

## V. Conclusion

Throughout the country, but particularly in the Southern, Southeastern and Eastern regions as well as Baghlan and Kabul provinces, polling day was marred by a high number of security-related incidents of relatively low intensity. Insecurity, coupled with a certain disillusionment as well as social and cultural barriers, of particular relevance to women, account for a much lower participation than in the previous elections, although a record number of polling stations were opened. It is estimated that one third of the registered voters cast their ballots with great variation throughout the country on 20 August 2009. The growing interest of Afghans in the electoral process that was witnessed during the campaign did not quite yield the expected level of participation on polling day. Women continue to be particularly disadvantaged when it comes to expressing their free and informed choice on political matters. This is, in particular, exemplified by the culturally accepted practice of proxy voting on their behalf as well as difficulties they faced in accessing polling stations on their own.

Despite a series of anti-fraud mitigating measures prepared in advance of polling day, and a number of independent observers deployed throughout the country, a high number of allegations of fraud and irregularities were made in the immediate aftermath of the elections. The nature and extent of these

allegations were regionally diverse. However, the overwhelming number of allegations relating to ballot box stuffing and fraud and irregularities are said to have taken place mostly in the Southern, Southeastern, Eastern and Central regions.

On 16 September 2009, the IEC announced the preliminary (uncertified) results, which placed President Karzai in the lead with 54.62 percent, followed by Dr. Abdullah Abdullah with 27.75 percent. These elections results, however, remained provisional given that the IEC and ECC, at that time were continuing their review of fraud allegations.

Based on the review of complaints it received and the Audit described in Annex I, on 18 October, the ECC ordered the IEC to: (a) invalidate a certain percentage of each candidate's votes in six separate categories in relation to 3,377 quarantined ballot boxes; (b) invalidate 210 polling stations around the country because of clear and convincing evidence of fraud based on complaints received since 20 August; and, (c) include 18 polling stations quarantined by the IEC because the ECC had found no clear evidence of fraud. On 20 October, the IEC announced that a run-off would take place between President Karzai and Dr. Abdullah Abdullah on 7 November. According to IEC calculations, the votes for the leading candidate were reduced to below the 50 per cent threshold needed to avoid a run-off. In a press conference on the same day in the presence of US Senator John Kerry and SRSG Kai Eide, President Karzai acknowledged that a run-off was necessary.

## ENDNOTES

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<sup>1</sup> European Union Election Observation Mission – Presidential and Provincial Council Elections 2009 (22 August 2009), Preliminary Statement; Preliminary Statement of the National Democratic Institute (NDI) Election Observer Delegation to Afghanistan’s 2009 Presidential and Provincial Council Elections (22 August 20 09).

<sup>2</sup> The Special Representative of the Secretary-General (SRSG) Press Statement (20 August 2009), *UN envoy hails ‘achievement’ of Afghan poll*; Statement by Dr. Sima Samar, Chairperson of the Afghanistan Independent Human Rights Commission (AIHRC) (20 August 2009).

<sup>3</sup> 24,183 polling stations - Afghan Independent Election Commission (IEC) Press Release with reference to the Announcement of the Preliminary Results of the 2009 Presidential Elections (16 September 2009), <http://www.iec.org.af>

<sup>4</sup> UNDP ELECT Weekly Electoral (11 – 17 August 2009).

<sup>5</sup> Article 1 of the IEC Regulation on Polling defines “polling centre” as “a combination of pre-determined polling stations for both females and males”.

<sup>6</sup> Around 22,000 polling stations opened in the 2004 Presidential elections and 26,248 polling stations opened in the 2005 National Assembly and Provincial Council Elections - Final Report of the Joint Electoral Management Body, <http://www.jemb.org>

<sup>7</sup> Article 1 of the IEC Regulation on Polling defines “polling station” as “a pre-determined polling station under a polling centre”.

<sup>8</sup> UNDP ELECT Weekly Electoral, (25 – 31 August 2009).

<sup>9</sup> Free and Fair Election Foundation of Afghanistan (FEFA) Press Statement (22 August 2009).

<sup>10</sup> In particular, Anti-Government Elements (AGEs) planted mines in various routes in Khakrez, Arghistan, Shah Wali Kot, Panjwayi, Shorabak, Registan and Nesh districts, Kandahar province. (*Note: UN records*)

<sup>11</sup> United Nations Department of Safety and Security (UNDSS) report, 19 August 2009.

<sup>12</sup> Radio broadcast in Ghazni province that there were 125 Vehicle-Borne Improvised Explosive Devices (VBIEDs) in the city.

<sup>13</sup> The two suicide attacks in Kabul city resulted in 14 civilians killed, including two UN staff members and 120 civilians injured.

<sup>14</sup> On 1 August 2009, a Provincial Council candidate was attacked in Najil area, Alishing district, Laghman province; on 1 August 2009, an Improvised Explosive Device (IED) was detected and defused by Afghan forces in the vicinity of a Provincial Council candidate’s house in Bahram Khail village, Logar province; on 1 August 2009, two other IEDs were detected and defused close to another Provincial Council candidate’s house in Pul-I-Alam district, Logar province; on 1 August 2009, in Mullah Noh Baba area of Andar district, Ghazni province, the provincial campaign manager for President Karzai and some of the Provincial Council candidates’ convoy was attacked by AGEs while they were returning from an election gathering in Muqur district, Badghis province - this resulted in the death of one of the agents of President Karzai and a guard; on 2 August 2009, one hand grenade was thrown into the garden of district campaign office of Dr. Abdullah Abdullah in Kohestan district 2, Kapisa province; on 2 August 2009, AGEs attacked a private vehicle of Provincial Council candidate with small arms fire, in Mehtarlam district, Laghman province; on 5 August 2009, private vehicle belonging to Qazi Abdol Bari, Provincial Council candidate and head of Dr. Abdullah Abdullah’s election campaign, was attacked by Remote-Control Improvised Explosive Device (RCIED) in Shahr-I-Bozorg, Badakhshan province; on 5 August 2009, Faizabad area, Shirin Tagab district, Faryab province, Afghan National Police (ANP) escorts accompanying a convoy of Dr. Abdullah Abdullah supporters were attacked with small arms fire by unknown men, believed to be AGEs; on 6 August 2009, a vehicle carrying a Provincial Council candidate struck an IED in Mehtarlam city, Laghman province; on 14 August 2009, a hand grenade was hurled into the private residence of a campaigner for one of the Presidential candidates, in Aqcha district, Jawzjan province; on 14 August 2009, in Jalo Khel area, Tagab district, Kapisa province, AGEs killed one person and injured two others who were returning from a political campaign of President Karzai; on 16 August 2009, a roadside bomb hit a convoy of President Karzai’s campaigners, in Jawzjan province; on 17 August 2009, a hand grenade was hurled into an election campaign office of a Presidential candidate in Familiyah Gudam area, Chaghcharan city, Ghor province; on 17 August 2009, one of Dr. Abdullah Abdullah’s vehicles was attacked in Argo district, Badakhshan province; and, on 17 August 2009, IED detonated targeting a Provincial Council candidate, allegedly by his rival in Qailagho area, Khogyani district, Nangarhar province. (*Note: UN records*)

<sup>15</sup> On 12 August 2009, five campaign workers of a Presidential candidate were kidnapped and released two days later after mediation of tribal elders in Qala-I-Naw and Muqur districts, Badghis province. (*Note: UN records*)

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<sup>16</sup> On 17 August 2009, a Jawzjan Provincial Council candidate was shot and killed by two unidentified armed motorcyclists in Jangal Arigh village, Mardyan district. (*Note: UN records*)

<sup>17</sup> On 1 August 2009, in Mullah Noh Baba area of Andar district, Ghazni province, the Provincial campaign manager for President Karzai and some of the Provincial Council candidates' convoy was attacked by AGEs while they were returning from an election gathering in Muqur district, Badghis province - this resulted in the death of one of the agents of President Karzai and a guard; and, on 16 August 2009, AGEs killed one of President Karzai's campaigners and injured two others in Kapisa province. (*Note: UN records*)

<sup>18</sup> On 5 August 2009, a Body-Borne Improvised Explosive Device (BBIED) detonated on the main road in Kohestan district 2, Kapisa province on which an IEC convoy had passed an hour earlier; on 9 August 2009, AGEs ambushed an IEC logistics convoy on the Kabul-Gardez highway at Pul-I-Alam centre, Logar province; on 15 August 2009, a convoy carrying IEC materials (including ballots and ballot boxes) was struck by an IED on the road between Tirin Kot and Chinartu, Uruzgan province; on 16 August 2009, AGEs attacked a convoy of 15 trucks used to transport electoral materials to Dawlat Shah district, Laghman province; on 16 August 2009, an ANP vehicle escorting election materials was fired upon by unidentified individuals in Balkhab district, Sari Pul province; on 17 August 2009, an IEC convoy transporting election materials came under attack in Jalokhil area, Tagab district, Kapisa province; on 18 August 2009, in Kunar province, IEC convoy on the way to Ghaziabad and Nari districts was attacked near the town of Jalalabad; on 18 August 2009, AGEs attacked Afghan National Security Forces (ANSF) escorting an elections team in Alishing district, Saigal area, Laghman province; on 18 August 2009, AGEs intercepted and destroyed elections materials that were en route to Mandol district, Nuristan province; on 18 August 2009, a civil helicopter carrying electoral materials came under attack from AGEs in Jawand, Badghis province; on 19 August 2009, IED detonated on a truck carrying election supplies to Sangana village, Mawra area, Chaparhar district, Nangarhar province; on 19 August 2009, an IEC convoy was attacked in Ghormach district, Faryab province; on 19 August 2009, Naroz Khel village, Tagab district, Kapisa province, ANSF returning from an IEC escort mission was attacked; and, on 19 August 2009, in Kokikhel area, Sherzad district, Nangarhar province, unknown individuals threw a hand grenade at a truck carrying elections materials. (*Note: UN records*)

<sup>19</sup> On 18 August 2009, Yansha village, Argo district, Badakhshan province, two IEC rented vehicles transporting IEC staff and sensitive election materials en route to Mai Mai district, Darwaz region was hit by a roadside IED. The explosion resulted in the death of three IEC staff; on 18 August 2009, Shorabak district, Kandahar province, the vehicle transporting two IEC officials were hit by an IED, killing both of them; on 18 August 2009, Mingajik district, Jawzjan province, AGEs attacked a polling centre and the ensuing firefight killed one IEC staff providing security; on 19 August 2009, a vehicle carrying two election workers to a polling centre in Shorabak district, Kandahar province was attacked; as a result both election workers were killed; in Nahri Shahi district, Balkh province, an IEC convoy transporting ballot boxes and IEC officials was ambushed by AGEs, resulting in the death of one IEC official. (*Note: UN records*)

<sup>20</sup> On 1 August 2009, the District Field Coordinator (DFC) in Chak district, Wardak province was kidnapped by the Taliban (the DFC was released 48 hours later and placed under surveillance by the Taliban); on 5 August 2009, unknown men abducted two DFCs in Chahr Dara district, Kunduz province (the two DFCs were released on the same day); and, on 19 August 2009, Khan Abad district, Kunduz province, two DFCs were kidnapped (the two DFCs were subsequently released). (*Note: UN records*)

<sup>21</sup> The Southern region recorded the highest number of security incidents on 20 August 2009, with some 55 rocket attacks, followed by the Eastern region with 67 security incidents; in Gardez city, Paktya province, two BBIEDs detonated prematurely near a polling station; at least six rockets fired by AGEs hit populated areas of Kunduz city, injuring six civilians; and, there were 13 rocket attacks in Kunar province. Insecurity also affected the number of polling centres that could be opened. (*Note: UN records*)

<sup>22</sup> AFP, 31 August 2009, *Afghan officials on democracy's frontline*.

<sup>23</sup> Ministry of Interior and Ministry of Defence. The district chief of police of Baghlan was killed during a fight with AGEs and the deputy district chief of police of Khogyani district, Nangarhar province was killed during an attack by AGEs.

<sup>24</sup> One media reported that "many people did not go to the polls in Afghanistan, because... they believe that nothing has changed in Afghanistan with the election.... Warlords have become stronger, corruption increased and aid money has been embezzled by foreigners and Afghans", Hasht-e-Sobh (23 August 2009), *Taliban's defeat in the elections*.

<sup>25</sup> The Joint Electoral Monitoring Board (JEMB) reported turnout was approximately 70 percent.

<sup>26</sup> The JEMB reported turnout was approximately 51.5 percent.

<sup>27</sup> IEC Press Release with reference to the Announcement of the Preliminary Results of the 2009 Presidential Elections (16 September 2009), <http://www.iec.org.af>



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<sup>28</sup> At the provincial capitals of Balkh, Jawzjan, Sari Pul, Samangan and Faryab, voter participation as reported by official observers and others as moderate, with lower turnout in the districts.

<sup>29</sup> Voter turnout was moderate in Herat, Badghis and Ghor provinces, as reported by official observers and others.

<sup>30</sup> In the Central Highlands, voter participation was high in Bamyán and Dai Kundi provinces, particularly in Bamyán city, Dai Kundi and Miramor districts, Dai Kundi province, as reported by official observers and others.

<sup>31</sup> Voter participation was moderate in Takhar and Baghlan provinces; and in Badakhshan province, voter turnout was good, as reported by official observers and others.

<sup>32</sup> Voter turnout was moderate in Pansjher and Parwan provinces, as reported by official observers and others.

<sup>33</sup> Isolated security incidents were reported in Jawzjan (Qush Tepa district), Balkh (Chahar Bolak and Chintal districts), Sari Pul (Kohistanat district) and Faryab (Ghormach, Shirin Tagab and Qaisar districts) provinces; on 19 August 2009, one rocket was fired at the ANP HQ in Ghormach district, resulting in six ANP deaths and two ANP injuries; an Afghan National Army (ANA) convoy was attacked close to Qala-I-Wali area; and, road blocks were set up by AGEs in Southern Ghormach district. On polling day, there were 14 rockets fired towards the district administration centre of Ghormach; in Abgarmak village, AGEs were intimidating the people; and in Qala-I-Wali, the polling centres opened late due to AGEs' intimidation; in Shirin Tagab district, a polling centre was closed early because of concerns that the area was surrounded by AGEs and later, the convoy carrying ballot boxes and sensitive materials were fired at as it left the area; in Qaisar district, one polling centre was closed and two polling centres were temporarily closed due to deteriorating security situation; in Asob-I-Qaf, fighting was on-going between ANSF and AGEs; and, in Khwaja Kinti, the polling centre was opened intermittently throughout polling day. (*Note: UN records*)

<sup>34</sup> IEC Press Release with reference to the Announcement of the Preliminary Results of the 2009 Presidential Elections (16 September 2009), <http://www.iec.org.af>

<sup>35</sup> According to UNAMA and the AIHRC, throughout the country, 44 polling centres closed prematurely and 149 polling centres opened intermittently.

<sup>36</sup> According to UNAMA and the AIHRC, 36 polling centres did not open in Kapisa province, 14 polling centres did not open in Logar province and 21 polling centres did not open in Wardak province.

<sup>37</sup> According to UNAMA and the AIHRC, 17 polling centres did not open in Baghlan province and 20 polling centres did not open in Kunduz province.

<sup>38</sup> According to UNAMA and the AIHRC, 48 polling centres did not open in Farah province and 24 polling centres did not open in Herat province.

<sup>39</sup> According to UNAMA and the AIHRC, 26 polling centres did not open in Nuristan province.

<sup>40</sup> According to UNAMA and the AIHRC, 30 polling centres did not open in Paktika province.

<sup>41</sup> Voter turnout in these provinces was very low, as noted by official observers and others.

<sup>42</sup> Voter turnout in Nimroz province was low, as noted by official observers and others.

<sup>43</sup> Turnout was low in Musa Khel, Qalandar, Gurbuz, Sabari, Mando Zayi, Dwamanda and Tani districts, Khost province, as noted by official observers and others.

<sup>44</sup> According to UNAMA and the AIHRC, 21 polling centres closed in Wardak province.

<sup>45</sup> According to UNAMA and the AIHRC, 44 polling centres closed early - in Wardak province, four polling centres closed early; in Dahana-I-Chori and Pul-I-Khumri districts, Baghlan province, 31 polling centres closed due to rocket attacks and clashes between AGEs and ANSF and in Marzak area, Sar Hawza district, Paktika province, polling centres closed after fighting broke out between ANSF and AGEs.

<sup>46</sup> According to UNAMA and the AIHRC, 149 polling centres opened intermittently, primarily in the provinces of Kabul and Logar, Zari district, Balkh province (18 polling centres), and Pul-I-Khumri, Baghlan province (16 polling centres).

<sup>47</sup> For instance, three polling centres in Logar province and four polling centres in Wardak province were relocated. Similarly, seven polling centres in Kunduz province were relocated due to the volatile security situation.

<sup>48</sup> On 18 August 2009, the Taliban issued a general threat that they would not allow any person to travel on polling day.

<sup>49</sup> As recorded by UNAMA and the AIHRC, roads leading to Lashkar Gah city, Helmand province and in Nuristan province were blocked by AGEs. In Ghazni province, the connecting routes to 10 districts were blocked by AGEs. In Baghlan-I-Jadid and Pul-I-Khumri districts in Baghlan province, groups of armed men were threatening people and blocking roads in order to prevent people from accessing polling centres. Also, villagers were prevented by AGEs from voting in Shunkari area, Sirkanay district, Kunar province, and one man was allegedly killed in the district by AGEs whilst traveling to vote.

<sup>50</sup> IEC Press Release on the Polling Process and Opening of More than 90% of the total polling centres (20 August 2009).

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- <sup>51</sup> The IEC shall “establish polling centres throughout the country and shall provide the conditions for the presence of voters in these centres so that voters may have easy access to the election process” – article 39(1) of the Electoral Law.
- <sup>52</sup> Female participation was moderate at provincial capitals, as noted by official observers and others.
- <sup>53</sup> Female participation was moderate in Bamyan and Dai Kundi provinces, as noted by official observers and others.
- <sup>54</sup> As noted by official observers and others, women were seen in equal numbers in most polling centres in Herat and Badghis provinces.
- <sup>55</sup> Mardyan and Khamyab (Jameh Mosque polling centre) districts, Jawzjan province, as noted by official observers and others.
- <sup>56</sup> “Especially in the rural south, many families kept their women home on election day. In cities....many educated women who had voted or even worked at polling stations in previous elections decided not to risk going out this time”, Washington Post (31 August 2009), *Reversed Hopeful Trend*.
- <sup>57</sup> Female turnout was low in the Southeastern region and in Nuristan province, female participation was very low, as noted by official observers and others.
- <sup>58</sup> UNAMA estimates that there was very low participation in most areas in Wardak province (with the exception of two districts) and some parts of Logar province (Pul-I-Alam, Baraki Barak and Mohammad Aga districts) and low participation in Kabul city, Azra district, Logar province and Panjsher and Parwan provinces.
- <sup>59</sup> Associated Press (19 August 2009), *Afghans register to vote in former Taliban town*.
- <sup>60</sup> New York Times (21 August 2009), *Afghan election called a success despite attacks*.
- <sup>61</sup> UNAMA & OHCHR Report (8 July 2009), *Silence is Violence – End the Abuse of Women in Afghanistan*; On 7 September 2009, a female IEC official who worked as a civic educator was killed by unknown gunmen in Shahr-I-Naw area, Kandahar city. She was also known for her work on women’s rights at the Kandahar Department of Women’s Affairs (DoWA). It remains unclear whether her murder is linked to her work as an IEC official or to her work on women’s rights. (Note: UN records)
- <sup>62</sup> Washington Post (31 August 2009), *Reversed Hopeful Trend*.
- <sup>63</sup> Department of Field Operations, IEC (2 September 2009).
- <sup>64</sup> 664 polling stations were staffed by men in Ghazni province, 552 in Paktika province, 349 in Paktya province and 280 in Khost province. (Note: Department of Field Operations, IEC (2 September 2009))
- <sup>65</sup> 330 polling stations were staffed by men in Ghor province. (Note: Department of Field Operations, IEC (2 September 2009))
- <sup>66</sup> 208 polling stations were staffed by men in Nangarhar province. (Note: Department of Field Operations, IEC (2 September 2009))
- <sup>67</sup> Washington Post (31 August 2009), *Reversed Hopeful Trend*.
- <sup>68</sup> Associated Press (24 August 2009), *Afghan elections seen as a setback for women*.
- <sup>69</sup> Afghan elections situation report 8 (20 August 2009), US Embassy.
- <sup>70</sup> IEC Factsheet on Fraud Mitigation and Detection Measures.
- <sup>71</sup> IEC Factsheet on Fraud Mitigation and Detection Measures.
- <sup>72</sup> Articles 52 and 53 of the Electoral Law.
- <sup>73</sup> Article 54 of the Electoral Law.
- <sup>74</sup> Article 49(1) of the Electoral Law.
- <sup>75</sup> Statement by Kai Eide, SRSB for Afghanistan (8 September 2009).
- <sup>76</sup> In a meeting on 13 September 2009, the IEC stated that results from the following polling stations would be quarantined: 1) polling stations that recorded more than 1,000 votes; 2) polling centres and stations that did not open but results were received; and, 3) polling centres where the number of votes cast was greater than the number of ballots delivered.
- <sup>77</sup> IEC Press Release with reference to the Announcement of the Preliminary Results of the 2009 Presidential Elections (16 September 2009), <http://www.iec.org.af>
- <sup>78</sup> High priority cases are those which if proved valid could have material effect on the results.
- <sup>79</sup> The Electoral Complaints Commission (ECC) Order 2009-9-8 (8 September 2009), <http://www.ecc.org.af>
- <sup>80</sup> The Electoral Complaints Commission (ECC) Order 2009-9-8 (8 September 2009), <http://www.ecc.org.af>
- <sup>81</sup> IEC Factsheet on Fraud Mitigation and Detection Measures.
- <sup>82</sup> Due to insecurity, NDI was prevented from operating in some of the South and Southeastern regions on polling day - Preliminary Statement of the NDI Election Observer Delegation to Afghanistan’s 2009 Presidential and Provincial Council Elections (22 August 2009).
- <sup>83</sup> ECC Decision No. A-09-00-5033 et al (8 September 2009), <http://www.ecc.org.af>

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<sup>84</sup> UNAMA and the AIHRC noted that in Shorabak and Registan districts, Kandahar province, ballot boxes were filled during the night and voters were prevented from voting; in Spin Boldak district, Kandahar province, ballot boxes were filled in favour of President Karzai; in Shorabak district, Kandahar province, Bariz tribal leaders claimed that ANP stuffed ballot boxes with 23,900 ballots; in Arghistan district, Kandahar province, no voters turned up but the ballot boxes were filled; in Spin Boldak district, Kandahar province, at the Ghazi Abdullah Khan polling center the location of the polling centre was moved to a candidate's house and 45 ballot boxes went missing; in Spin Boldak district, Kandahar province, no voters turned up and IEC officials stuffed ballot boxes; in Spin Boldak district, Kandahar province, ballot boxes were filled prior to arrival of voters to the polling centres; in Spin Boldak district, Kandahar province, an individual stuffed ballot boxes for President Karzai; in Spin Boldak district, Kandahar province, an individual stuffed ballot boxes for Dr. Abdullah Abdullah; in Helmand province, ballot boxes were filled in an individual's house; in Lashkar Gah city, Helmand province, IEC officials marked hundreds of ballots - ANP temporarily detained IEC workers for stuffing ballot boxes; in Grishk district, Helmand province, the district manager stuffed ballot boxes in the district in favour of President Karzai and sent them directly to the counting station at the provincial centre; in Nad Ali district, Helmand province, ballot boxes were stuffed in the house of a member of the Provincial Council and then sent to the provincial counting centre; in Nawa district, Helmand province, ANP moved a polling centre to his home and stuffed the ballot boxes; in Shar-I-Safa district, Zabul province, eight ballot boxes from the polling stations for women were filled in the homes of IEC officials before polling started; in Tirin Kot city, Uruzgan province, ballot boxes were stuffed at the residence of a former government official; in Tirin Kot city, Uruzgan province, agents of candidates counted a total of 36 voters but when the ballots were counted in the presence of agents at the end of the day, there were 2,252 ballots for President Karzai and a handful for other candidates; in Dehraoud district, Uruzgan province, a day after polling, ANP stuffed the ballot boxes with the remaining ballots; in Chora district, Uruzgan province, the ballot box containing ballots for Provincial Council elections went missing; in Lashkar Gah city, Helmand province, IEC officials marked several ballots for specific candidates; in Zabul province, government and IEC officials marked a number of ballots in favour of a particular Provincial Council candidate; and, in Tirin Kot city, Uruzgan province, IEC officials did not give ballots to voters but instead marked several ballots for specific candidates.

<sup>85</sup> UNAMA and the AIHRC noted that in Andar district, Ghazni province, a significant number of votes were received from some villages, such as Nany village in Andar district, where the population is of some 1,600 people, but where over 25,000 ballots were counted for President Karzai; in Gelan district, Ghazni province, certain ballot boxes were filled before the polling centres opened for voters; in Jaji Ahmad Khel district, Paktya province, two Provincial Council candidates collected ballots, took them to a nearby house and placed them in the ballot boxes - IEC officials were allegedly involved; in Dand-wa-Patan district, Paktya province, all the ballot boxes for that district were filled the night before polling day; in Sharana district, Paktika province, it is observed that 337 people had voted in the morning, but about five hours later, 3,038 people were recorded as having voted - voters were barely seen at the polling centre during the day - in the same polling centre, it is further noted that a man with five voter registration cards was seen marking a number of ballots; in Chamkani, Dand-wa-Patan, Jani Khel and Jaji Ahmad Khel districts, Paktya province, ballot boxes were filled the night before polling day, in favour of President Karzai and certain Provincial Council candidates; and, in Zurmat district, Paktya province, prior to the closing of the polling station, IEC officials allowed agents of President Karzai and a Provincial Council candidate to mark a number of ballots.

<sup>86</sup> UNAMA and the AIHRC noted that in Chaparhar district, Nangarhar province, at polling stations for female, IEC officials stuffed three ballot boxes with ballots in favour of a Provincial Council candidate - allegedly, IEC officials were arrested by ANP; in Jalalabad city, Nangarhar province, at one polling centre, the seals of ballot boxes for Provincial Council elections were tampered with, where allegedly, the ballot boxes were stuffed with ballots; in Kanda village, Mehtarlam district, Laghman province, IEC officials were involved in adding 300 ballots for a specific Provincial Council candidate - only 100 women cast their votes but at the counting, 400 ballots were recorded; in Asmar district, Kunar province, ballots were marked for particular candidates; in Ghaziabad district, Kunar province, ballot boxes for the Presidential elections were full, but ballot boxes for the Provincial Council elections were empty.

<sup>87</sup> UNAMA and the AIHRC noted that in Nijrab district, Kapisa province, at Qazi Jamil polling centre, agents of candidates witnessed the stuffing of ballot boxes; in Tagab district, Kapisa province, Provincial Council candidates and IEC officials stuffed ballot boxes in their favour and in favour of President Karzai; in Koh Band district, Kapisa province, in Arab Khel and Bulaghen polling centres, a Provincial Council candidate was accused of stuffing ballot boxes; in Kohestan 2 district, Kapisa province, two ballot boxes were removed from the polling centre to the house of an IEC official; in Nijrab district, Kapisa province, at Qazi Abdul Jameel School polling centre, supporters of President Karzai allegedly stuffed the ballot boxes; in Kohestan 1 district, Kapisa province, an individual took ballot

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boxes to his house and manipulated the content; in Pul-I-Alam city, Logar province, Provincial Council candidates stuffed ballot boxes for themselves and for President Karzai; in Pul-I-Alam city, Logar province, at the Abdullah Ahmadzai polling centre, Provincial Council candidate stuffed all the ballot boxes in this polling centre; in Baraki Barak district, Logar province, IEC officials were accused of stuffing ballot boxes in favour of a Provincial Council candidate; in Charkh district, Logar province, a number of ballot boxes were missing from a polling centre but found later filled with ballot papers; in Khushi district, Logar province, IEC officials were accused of manipulating the results in favour of a particular Presidential candidate; in Kharwar district, Logar province, some of the ballot boxes were filled by IEC officials in favour of some Provincial Council candidates; in Azra district, Logar province, IEC officials accused of casting ballots in favour of a Provincial Council candidate; in Azra district, Logar province, a Provincial Council candidate took the ballot boxes from a polling center to his home and added around 1,800 votes for himself; in Maydan Shah district, Wardak province, one polling centre was closed due to threats by AGEs but 80 ballots were cast in favour of President Karzai; in Saydabad district, Wardak province, ANP stuffed the ballot boxes; in Saydabad district, Wardak province, although there was a very low turnout, IEC reported a high number of ballots cast; in PD 18, Kabul city, agents of President Karzai removed ballot boxes from two polling centres and returned them filled with ballots; in Kabul city, Kabul, IEC officials stuffed ballot boxes in Deh Qabal Gulkhana Secondary School polling centre; in Kabul city, Kabul, 70,000 ballots were allegedly stuffed into ballot boxes during the night by certain individuals; in Chaharikar district, Parwan province, at some polling centres, IEC officials marked several ballots in favour of President Karzai; in Azra district, Logar province, at a polling centre, a provincial council candidate and his armed men marked a number of ballots; and, in Khinj district, Panjsher province, IEC officials marked several ballots for a specific Provincial Council candidate.

<sup>88</sup> On 7 September 2009, the ECC invalidated results from 51 polling stations in Kandahar province (ECC Decision Nos. A-09-00-5414 A-09-00-5004 et al and A-09-00-5129 et al); on 7 September 2009, the ECC invalidated results from 27 polling stations in Ghazni province (ECC Decision Nos. A-09-00-7042, A-09-00-7371, A-09-00-5062 et al and A-09-00-6650); on 8 September 2009, the ECC invalidated results from five polling stations in Paktika province (ECC Decision No. A-09-00-5033 et al), <http://www.ecc.org.af>

<sup>89</sup> An independent domestic observer.

<sup>90</sup> ECC Order 2009-9-8 (8 September 2009), <http://www.ecc.org.af>

<sup>91</sup> The IEC estimated 540 voters per polling station.

<sup>92</sup> ECC Order 2009-9-8 (8 September 2009), <http://www.ecc.org.af>

<sup>93</sup> In the Central region, polling centres in Saydabad district, Wardak province (Hafta Siah, Shash Qala, Lorah, Moosa Khil, Hoosa Khil and Sultan Khil areas), all votes were cast in favour of President Karzai, with no votes in favour of any other Presidential candidates. (Note: IEC official results)

<sup>94</sup> Local commanders refer to influential persons within a community; they are usually armed with registered or unregistered weapons.

<sup>95</sup> Campaigning at polling locations after the expiry of the campaign period violates articles 38 and 43 of the Electoral Law.

<sup>96</sup> UNAMA and the AIHRC noted that in the Southeastern region, in Gardez city, Paktya province, supporters of President Karzai provided food to encourage people to vote; in the Southern region, in Lashkar Gah city, Helmand province, agents of Dr. Ramazan Bashardost campaigned and directed women to vote; in Lashkar Gah city, Helmand province, agents of a Provincial Council candidate campaigned outside the polling centre; in Kandahar city, Kandahar province, IEC female officials campaigned for a Provincial Council candidate; and, in Lashkar Gah city, Helmand province, agents of Dr. Abdullah Abdullah, Dr. Ramazan Bashardost and a Provincial Council candidate campaigned at a polling centre.

<sup>97</sup> UNAMA and the AIHRC noted that in Faryab province, a large group of people were observed outside polling stations with posters of different candidates; in Mazar-I-Sharif city, Balkh province, agents of Provincial Council candidates were campaigning inside the polling station; in Faryab province, the local *arbab*, head of *shura* and, a political party affiliate were campaigning for certain Provincial Council candidates, encouraging voters to vote; in Aybak city, Samangan province, supporters of Dr. Abdullah Abdullah were campaigning in the vicinity of three polling centres; in Sozma Qala district, Sari Pul province, a government official was at polling stations and campaigning for President Karzai; in Sozma Qala district, Sari Pul province, in one of the polling centres (Khaniqa), the site manager campaigned for President Karzai; and, in Sari Pul province, other Presidential candidates provided vehicles to transport voters and voters were paid 50 to 100 Afs to vote for certain candidates.

<sup>98</sup> UNAMA and the AIHRC noted that in Wama district, Nuristan province, supporters campaigned inside polling centers to gain votes in support of certain Provincial Council candidates as well as for President Karzai; in Surkh Rod district, Nangarhar province, supporters of President Karzai campaigned inside the polling centres; in Surkh Rod district, Nangarhar province, in Kokhel polling center, supporters of Dr. Abdullah Abdullah campaigned in the

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polling centre; in Jalalabad city, Nangarhar province, a Provincial Council candidate sent 300 scarves to Majboorabad women polling station to be distributed to the female voters; in Surkh Rod district, Nangarhar province, in a polling centre located at Faqrullah high school, supporters of President Karzai were carrying posters of President Karzai and of a Provincial Council candidate inside the polling centre; in Surkh Rod district, Nangarhar province, at a polling centre located in Dosaraka area, supporters of President Karzai campaigned inside the polling center; in Sherzad district, Nangarhar province, the supporters of a Provincial Council candidate and campaigner for Dr. Abdullah Abdullah was seen campaigning inside the Koti Khel polling center; in Mehtarlam district, Laghman province, in Kokhel polling centre, supporters of Dr. Abdullah Abdullah were campaigning inside the polling centre; and, in Parun district, Nuristan province, in eight polling centres, provincial authorities campaigned for President Karzai.

<sup>99</sup> ECC Assessment Summary of Polling and Counting Complaints (23 August – 14 September 2009), <http://www.ecc.org.af>

<sup>100</sup> UNAMA and the AIHRC noted that in Jalalabad, Nangarhar province, a Provincial Council candidate sent 300 scarves to a polling station to be distributed to female voters (see above).

<sup>101</sup> UNAMA and the AIHRC noted that in Zaranj city, Nimroz province, vehicles with President Karzai's poster on it were seen distributing biscuits, cakes and hot meals to the public.

<sup>102</sup> UNAMA and the AIHRC noted that in Pashtun Kot district, Faryab province, agents of candidates instructed voters to vote for a certain Provincial Council candidate; in Khuram Wa Sarbagh district, Samangan province, followers of a local commander and IEC officials instructed voters to vote for a particular Provincial Council candidate and a Presidential candidate; in Pashtun Kot district, Faryab, province, IEC official pre-marked ballots for a certain Provincial Council candidate; in Khowja Sabz Posh district, Faryab province, IEC officials instructed voters to vote for a certain Provincial Council candidate (a former commander), and went behind the ballot screen to mark ballots on their behalf – a person affiliated to the said Provincial Council candidate, also a former commander of the area, was also witnessed instructing voters; in Mazar-I-Sharif city, Balkh province, IEC officials directed voters to vote for a specific candidate; and, in Ghormach district, Faryab province, agents of candidates, other voters and non-accredited individuals instructed fellow voters and some IEC staff were observed directing voters to vote for specific candidates, behind voter screens.

<sup>103</sup> UNAMA and the AIHRC noted that in Spin Boldak district, Kandahar province, government officials and ANP threatened people to vote for President Karzai; in Kandahar city, Kandahar province, IEC female officials encouraged illiterate female voters to vote for Dr. Abdullah Abdullah; in Kandahar city, Kandahar province, Afghan Border Police (ABP) directed voters to vote for President Karzai; in Zherai district, Kandahar province, ANP and IEC officials at provincial centres in Zherai directed voters to vote for a Provincial Council candidate; in Registan district, Kandahar province, ABP directed voters to vote for President Karzai; in Shorabak district, Kandahar province, ABP directed voters to vote for President Karzai; in Tirin Kot city, Uruzgan province, a government official instructed women to vote for President Karzai at a polling centre; in Tirin Kot city, Uruzgan province, agents of a Provincial Council candidate directed voters to vote for President Karzai and the Provincial Council candidate; in Dehraoud district, Uruzgan province, a government official directed voters to vote for Dr. Abdullah Abdullah; in Chora district, Uruzgan province, ANP directed voters to vote for President Karzai; and, in Delaram district, Nimroz province, a Provincial Council candidate was temporarily arrested by the ANP for directing voters to vote for Dr. Abdullah Abdullah.

<sup>104</sup> UNAMA and the AIHRC noted that in Baghlan province, some IEC officials went behind the screen to direct voters to vote for specific candidates; in Kunduz city, Kunduz province, a government official directed voters to vote for Dr. Abdullah Abdullah; in Kunduz city, Kunduz province, a local commander directed voters to vote for Dr. Abdullah Abdullah; in Darayim district, Badakhshan province, ANP deployed to secure the polling centre beat voters in Munji village to intimidate them to vote for President Karzai; in Khash district, Badakhshan province, ANP deployed to secure the polling centre beat voters in Darken village to intimidate them to vote for President Karzai; in Kishm district, Badakhshan province, a local commander instructed people to vote for President Karzai; in Jurm district, Badakhshan province, in Chung village, a family member of a member of Parliament intimidated voters to vote for President Karzai; in Kunduz province, IEC officials influenced illiterate voters to vote for President Karzai and certain Provincial Council candidates; and, in Dahana-I-Chori district, Baghlan province, a local commander with his armed men threatened people to vote for Dr. Abdullah Abdullah.

<sup>105</sup> UNAMA and the AIHRC noted that in Kunar district, Kunar province, large numbers of agents of a candidate, in the presence of IEC officials, were instructing voters to vote for a specific candidate; in Surkh Rod district, Nangarhar province, in a polling centre located at Faqrullah high school, supporters of President Karzai instructed voters to vote for President Karzai; in Hisarak and Surkh Rod districts, Nangarhar province, a Provincial Council candidate along with his armed men threatened voters to vote for him at the Koshkak polling center; in Surkh Rod

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district, Nangarhar province, IEC officials at Ghowchak center instructed voters to vote for a Provincial Council candidate; in Kama district, Nangarhar province, a Provincial Council candidate and his armed men intimidated voters to voter for him; in Waygal district, Nuristan province, Provincial Council candidates intimidated voters to vote for them; and, in Asadabad district, Kunar province, IEC officials were beaten by supporters of a Provincial Council candidate and they took their voter registration cards by force.

<sup>106</sup> UNAMA and the AIHRC noted that in Qarabagh district, Kabul province, in Bagh Alam, Haji Khalil Home polling centre, an individual instructed voters; in Qarabagh district, Kabul province, in Sang Sabz, an IEC official tried to influence the voters to vote for Dr. Abdullah Abdullah; in Mirbachkot district, Kabul province, *Shura* members instructed voters to vote in favour of Dr. Abdullah Abdullah and some provincial candidates, at the Qashqaar Mosque, Dadmast, Paghman Qashang Secondary School and Qalae Malek Primary School polling centres; in PD 10, Kabul city, a campaign manager of President Karzai intimidated voters to vote; in Shakar Dara district, Kabul province, agents of Dr. Abdullah Abdullah, village leaders and IEC officials intimidated voters in Behzaadi Clinic polling centre, Qala Wazir polling centre, Dara Shakar High School polling centre, Shah Mardaan polling centre and Shakardarah High School polling centre; in Kabul city, Kabul province, IEC officials intimidated voters and directed them to vote in favour of some candidates; in Kabul city, Kabul province, a school staff directed voters to vote for President Karzai at the 500-Family High School polling centre; in Koh Band district, Kapisa province, a Provincial Council candidate threatened voters to vote for him and a Presidential candidate and intimidated agents of other Provincial Council candidates; in Nijrab district, Kapisa province, armed men near some polling centers instructed people to vote for a female Provincial Council candidate (his relative); in Salang district, Parwan province, a government official instructed voters to cast ballots for President Karzai at the Baghmaidan polling centre; and in Surkh Parsa area, Parwan province, a local commander and his men threatened locals with weapons.

<sup>107</sup> UNAMA and the AIHRC noted that in Khuram Wa Sarbagh district, Samangan province, followers of a local commander and IEC officials instructed voters to vote for a particular Provincial Council candidate and a Presidential candidate; in Pashtun Kot district, Faryab province, IEC officials marked ballots for a certain provincial Council candidate; in Mazar-I-Sharif city, Balkh province, IEC officials directed voters to vote; in Ghormach district, Faryab province, IEC officials instructed individuals to vote for a specific candidate, behind voter screens; in Baghlan province, some IEC officials went behind the screen to direct voters to vote; in Kunduz province, IEC officials influenced illiterate voters to vote for President Karzai and certain Provincial Council candidates; in Surkh Rod district, Nangarhar province, IEC officials at Ghowchak polling center instructed voters to vote for a Provincial Council candidate; in Kandahar city, Kandahar province, IEC female officials encouraged illiterate female voters to vote for Dr. Abdullah Abdullah; in Shakar Dara district, Kabul province, IEC officials intimidated voters in Behzaadi Clinic polling centre, Qala Wazir polling centre, Dara Shakar High School polling centre, Shah Mardaan polling centre and Shakardarah High School polling centre; in Kabul city, Kabul province, IEC officials intimidated voters and directed them to vote in favour of some candidates in Qala Nazar and Muhammad Asaf Mayal High School polling centres; and, in Surkh Parsa district, Parwan province, IEC officials at the Abdul Rawoof Shaheed Madrasah polling centre directed individuals to cast their votes for Dr. Abdullah Abdullah.

<sup>108</sup> UNAMA and the AIHRC noted that in Kunduz city, Kunduz province, a government official directed voters to vote for Dr. Abdullah Abdullah; in Darayim district, Badakhshan province, ANP deployed to secure the polling centre beat voters in Munji village to intimidate them to vote for President Karzai; in Kash district, Badakhshan province, ANP deployed to secure the polling centre beat voters in Darken village to intimidate them to vote for President Karzai; in Asadabad district, Kunar province, a government official encouraged female voters to vote for a particular Provincial Council candidate at the polling station located at the DoWA office; in Spin Boldak district, Kandahar province, government officials and ANP threatened voters in favour of President Karzai, and ABP temporarily arrested five observers and agents of candidates when they complained about stuffed ballot boxes; in Kandahar city, Kandahar province, ABP directed voters to vote for President Karzai; in Zherai district, Kandahar province, ANP at the provincial centre directed voters to vote for a Provincial Council candidate; in Registan and Shorabak districts, Kandahar province, ABP directed voters to vote for President Karzai; in Tirin Kot city, Uruzgan province, a government official instructed women to vote for President Karzai at a polling centre; in Chora district, Uruzgan province, ANP directed voters to vote for President Karzai; and, in Salang district, Parwan province, a government official instructed voters to cast ballots for President Karzai in Baghmaidan polling centre.

<sup>109</sup> UNAMA and the AIHRC noted that in Kandahar city, Registan and Shorabak districts, Kandahar province, ABP directed voters to vote for President Karzai; in Chora district, Uruzgan province, ANP directed voters to vote for President Karzai; in Dehraoud district, Uruzgan province, a government official directed voters to vote for Dr. Abdullah Abdullah.

<sup>110</sup> The principle of impartiality, in the context of this exercise, is defined as government officials conducting their duties with “complete neutrality”, including not using state resources to advance the campaign of particular

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candidates. See Article 50 of the Afghanistan Constitution and the May 2009 Presidential Decree on Non-Interference of Government Officials in Electoral Affairs.

<sup>111</sup> UNAMA and the AIHRC noted that in Khowja Sabz Posh district, Faryab province, a former local commander was seen instructing inside the polling center; in Khuram Wa Sarbagh district, Samangan province, followers of a local commander instructed voters to vote for a particular Provincial Council candidate and a Presidential candidate; in Kunduz city, Kunduz province, a local commander directed people to vote for Dr. Abdullah Abdullah; in Kishm district, Badakhshan province, a local commander directed voters to vote for President Karzai; in Dahana-I-Chori district, Baghlan province, a local commander and his armed men threatened people so that they vote for Dr. Abdullah Abdullah; in Hisarak and Surkh Rod districts, Nangarhar province, a Provincial Council candidate along with his armed men and a local commander threatened voters to vote for him at some polling centers; in Kama district, Nangarhar province, a Provincial Council candidate, intimidated voters; in Nijrab district, Kapisa province, armed men near polling centers instructed people to vote for a female Provincial Council candidate (his relative); and in Surkh Parsa district, Parwan province, a local commander and his armed men threatened locals to vote for a particular candidate.

<sup>112</sup> UNAMA and the AIHRC noted that complaints were from Kohestan 1, Kohestan 2 and Mahmood Raqi districts, Kapisa province; and, Alingar district, Laghman province.

<sup>113</sup> UNAMA and the AIHRC noted that in Central region, in Surobi district, Kabul province, voting using multiple voter registration cards was carried out in favour of specific Provincial Council candidates in Qala Kalaan Mosque polling centre, Shahrak Surobi Clinic polling centre, Shahrak Primary School polling centre, Hood Khil Girls Secondary School polling centre, Baam Darai Mosque polling centre, Qaaz Alayaa Mosque polling centre, Sherkhan Kaj Mosque polling centre and, Torkani Malik Karim House polling centre; in Khaki Jabbar district, Kabul province, voting using multiple voter registration cards occurred in Malang Shah Rasool Home polling centre and Zandan Wali Khan Secondary School polling centre; in Mahmood Raqi district, Kapisa province, voting using multiple voter registration cards was done in favour of specific Provincial Council candidates at the Zaraat Agriculture polling centre; in Kohestan 1 and Mahmood Raqi districts, Kapisa province, voters were in possession of multiple voter registration cards and were able to vote more than once, after voters removed the ink from their fingers with oil; in Kohestan 2 district, Kapisa province, family members of a government official were bringing female voters to vote more than once – these female voters removed the ink from their fingers to cast their ballots more than once; and, in Mohammed Agah district, Logar province, voting using multiple voter registration cards was carried out by supporters of Shokat Stanikzai. In the Southeastern region, in Sayed Karam district, Paktya province, Zaher Khan House, complaints were received that some voters were in possession of several voting cards. In the Eastern region, in Sangar, Warnata and Sakhra polling centres in Alingar district and Shahidan and Kakas polling centres in Qarghayi district, Laghman province, voting using multiple voter registration cards was suspected in Bati Kot district, Nangarhar province, as votes cast for Presidential elections (almost 1,300) were far less than for the Provincial Council elections (almost 2,800) - when the voter registration form was examined, it was observed that there were several records of multiple registration of one voter registration card.

<sup>114</sup> UNAMA and the AIHRC noted that in Khinj, Panjsher province, UNAMA and the AIHRC noted very few females coming out to vote despite good turnout figures recorded in the polling station journal; in Ghenju area, Panjsher province, the journals recorded 200 women voted within a span of three hours, although Ghenju village has around 250 inhabitants only; and, in Gardez city, Paktya province, a group of people from Mangal tribe were in possession of many voter registration cards - they claimed that they were voting for their wives and female family members.

<sup>115</sup> During on-site visits by UNAMA and the AIHRC in Gardez city, Paktya province, a number of girls were present at the polling station; in Ajiristan, Ghazni province, voting was carried out by proxy due to attacks; in Sayed Karam district, Paktya province, 1,050 voter registrations cards belonging to women were used; and, in Ahmad Abad district, Paktya province, male members of the community were seen voting on behalf of female voters.

<sup>116</sup> UNAMA and the AIHRC noted that in Dehsabz district, Kabul province, proxy voting was observed at the Kushi polling centre of Bachah Sahib, Pachah Sahib Primary School; in Chahar Asyab district, Kabul province, proxy voting was observed in Khair Abad, Borj Barq Mosque polling centre and Qala Nayeem, Malaalay Shahid High School polling centre; in Butkhak district, Kabul province, members of Parliament were collecting ballots and marking them in favour of a specific Provincial Council candidate; in Mahmood Raqi district, Kapisa province, proxy voting was carried out by a Provincial Council candidate; in Koh Band district, Kapisa province, proxy voting occurred; in Doornama district, Panjsher province, proxy voting occurred in the polling centres; and, in Kohestan 1 and Mahmood Raqi districts, Kapisa province, proxy voting was observed.

<sup>117</sup> In Badakhshan and Takhar provinces and, in Pul-I-Khumri city, Baghlan province, minors, including girls, were seen voting, as noted by official observers and others.

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<sup>118</sup> During on-site visits by UNAMA and the AIHRC in Sangar, Warnata and Sakhra polling centres in Alingar district and Shahidan and Kakas polling centres in Qarghayi district, Laghman province, underage voting was observed; in Jalalabad city, Nangarhar province, two underaged voters were seen voting at a polling centre; in Asadabad district, Kunar province, almost 40 percent of voters in one polling centre were underaged; and, in Khwjwa Dari Nur and Behsood district, Nangarhar province, observers noted underage voting in some of the polling centres.

<sup>119</sup> During on-site visits by UNAMA and the AIHRC in Kapisa province, in most polling stations, a very high number of underage voting was taking place; in Qarabagh district, Kabul province, three female minors were seen attempting to vote; in Ghulam Haider Khan School, Khair Khana area, Kabul city, a young boy voted multiple times by cleaning the ink from his finger; in Kabul province, four minors were seen voting in police district (PD) 9; in different polling stations in Parwan province, it was observed that a large number of minors voted.

<sup>120</sup> These problems caused the delay in the opening of polling stations in some instances.

<sup>121</sup> Refer to the second joint PRM report of the AIHRC and UNAMA for the status of freedom of expression during the campaign for the period from 16 June 2009 to 1 August 2009, <http://unama.unmissions.org>

<sup>122</sup> IEC Media Monitoring Project report (13 August 2009).

<sup>123</sup> *Pajhwok* (18 August 2009), *Official accuses electronic, print media of violating poll code of conduct*; Article 6 of the IEC Regulation on Media Commission Establishment and Mass Media Activity states that the obligation is not only on candidates to refrain from campaigning, but that the media is also prohibited from covering the political activity of candidates, publish or broadcast results or purported results of any survey of opinion or opinion poll.

<sup>124</sup> Department of Information and Publication, Ministry of Foreign Affairs (19 August 2009), <http://www.mfa.gov.af>

<sup>125</sup> AFP (19 August 2009), *Afghan government threatens to expel journalists*.

<sup>126</sup> Reuters (19 August 2009), *U.N. asks Afghanistan to lift election media ban*.

<sup>127</sup> AFP World News (19 August 2009), *Afghan government under fire over media ban*.

<sup>128</sup> Reuters (19 August 2009), *U.N. asks Afghanistan to lift election media ban*.

<sup>129</sup> *Afghanistan's Media Milestone - Local Coverage of the Afghan Elections* (20 August 2009), Internews Network.