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FINAL REPORT

**INTERNATIONAL ELECTION OBSERVATION MISSION TO THE 2014
AFGHANISTAN PRESIDENTIAL ELECTION RUN-OFF BALLOT
AUDIT**

AUGUST 4, 2014 – JANUARY 5, 2015

COOPERATIVE AGREEMENT: AID 306-A-14-00012



DECEMBER 11, 2014

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Cover photo captures TAF representatives fulfilling their audit observation responsibilities in one of the IEC audit halls at the IEC compound in Kabul.

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ACRONYMS

AERCF	Afghan Electoral Reform Consultative Forum
ANFREL	Asian Network for Free Elections
ANSF	Afghan National Security Forces
AOR	Agreement Officer's Representative
CSV	Comma-Separated Value
DI	Democracy International
ECAC	Election Complaints and Appeals Commission
EOM	Election Observation Mission
FEFA	Free and Fair Election Forum of Afghanistan
IEC	Independent Election Commission
IECC	Independent Election Complaints Commission
EV	Electronic Voting
IEO	International Election Observation
ISAF	International Security Assistance Force
NDI	National Democratic Institute
NDS	National Directorate of Security
OSCE	Organization for Security and Cooperation in Europe
PVT	Parallel Vote Tabulation
SNTV	Single Non-Transferable Vote
SMB	Similarly Marked Ballot
TAF	The Asia Foundation
TEFA	Transparent Election Foundation of Afghanistan
UN	United Nations
UNAMA	United Nations Assistance Mission in Afghanistan
UNDP-ELECT	United Nations Development Program-Elect
USG	United States Government



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The Asia Foundation is a nonprofit international development organization committed to improving lives across a dynamic and developing Asia. Informed by six decades of experience and deep local expertise, our programs address critical issues affecting Asia in the 21st century—governance and law, economic development, women's empowerment, environment, and regional cooperation. In addition, our Books for Asia and professional exchange programs are among the ways we encourage Asia's continued development as a peaceful, just, and thriving region of the world.

Headquartered in San Francisco, USA, The Asia Foundation works through a network of offices in 18 Asian countries and in Washington, DC. Working with public and private partners, the Foundation receives funding from a diverse group of bilateral and multilateral development agencies, foundations, corporations, and individuals. In 2013, we provided nearly \$114 million in direct program support and distributed textbooks and other educational materials valued at over \$10 million.

Internationally recognized for our commitment to Asia's development, the Foundation brings together local individuals, communities, and governments who are shaping Asia's future.

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ACKNOWLEDGEMENT

The Asia Foundation (TAF) in Afghanistan would like to acknowledge the dedication of the Presidential Election Runoff Ballot Audit Team. The audit team was made up of 28 international observers and analysts, twelve of whom were women, representing a dozen countries. Within the Election Observation Mission audit team were five TAF Afghanistan permanent staff members whose participation enhanced the mission and this report. The work and the observations of the audit team, under challenging circumstances, form the basis of the conclusions and recommendations found in this report. This EOM received significant administrative support from TAF Afghanistan in terms of finance, travel, procurement and logistics. This work was also ably complemented with the assistance of an international staff member from the TAF Bangladesh office as the Mission Coordinator. In total 43 permanent and contracted TAF representatives were involved in the EOM.

TAF Afghanistan would also like to recognize the cooperation and assistance of the Independent Election Commission for Afghanistan (IEC) and the Independent Electoral Complaints Commission (IECC) as well as expressing our gratitude for the security provided by International Security Assistance Force (ISAF) and the Afghan National Security Forces (ANSF) including the National Directorate for Security (NDS) at the ballot counting facilities.

Finally, TAF Afghanistan expresses its recognition of the Audit Team Leadership provided by Mission Director Andy Campbell and the final report preparation aided by Lead Observers Hugh Fulton and Bill Clay. The mission and this final report were completed under the guidance of TAF Afghanistan Director of Governance Idrees Ilham and Acting Country Director Abdullah Ahmadzai.

THE ASIA FOUNDATION AND ELECTIONS IN AFGHANISTAN

The Asia Foundation has been a steadfast supporter of the democratic electoral process in Afghanistan. Starting with Afghanistan's first post-Taliban presidential election in 2004 TAF has partnered with numerous governmental and civil society bodies on a range of civic education and electoral training activities. Central to this effort has been TAF's particular concern around the meaningful participation of women and youth in the democratic process.

TAF increased public awareness around civic rights and democracy by training and establishing a cohort of registered female election observers, conducting student government elections, and working closely with the Afghan Electoral Reform Consultative Forum (AERCF) to strengthen its ability to effectively advocate for electoral reform.

TAF also works with the Independent Election Commission (IEC) to improve the conduct of free and fair elections in addition to assessing the public perception of democracy in Afghanistan in order to assist policy and program developers. One of the means through which the TAF pursues these goals is by providing support to the Transparent Election Foundation of Afghanistan (TEFA), as well as the Bangkok-based regional electoral observation organization, the Asian Network for Free Elections (ANFREL).



Fig. 1. Members of the TAF Election Observation Mission - 2014

EXECUTIVE SUMMARY

The 2014 Presidential election cycle in Afghanistan was an important milestone in the country's post-Taliban period and an opportunity to effectuate the first democratic transition of power from one administration to the next. The first round of voting was held on April 5, 2014. None of the candidates received the 50 percent plus one vote needed to win. As a result, the two leading Presidential candidates faced off in a second round of voting on June 14, 2014. Following the release of initial results from this second round candidate Abdullah Abdullah alleged massive fraud in favour of his opponent Ashraf Ghani. Both Presidential candidates requested a full investigation of the serious and credible allegations of fraud and called for measures to separate fraudulent ballots from valid votes.

An audit plan, facilitated by the United States Secretary of State, John Kerry, and implemented through the United Nations Assistance Mission in Afghanistan (UNAMA) was agreed to by the two Presidential candidates on July 12, 2014. The plan, founded upon international best practice, called for a complete audit of the 8,109,493 ballots cast in the runoff election of June 14, 2014. The Asia Foundation International Election Observation Mission operated as one of four US Government sponsored entities that provided international election observers.

The audit was conducted in Kabul with monitoring by national and international observers. The plan also called for the formation of a government of national unity. The audit process began on July 17, 2014 and continued to scale up over the coming month and concluded on September 13, 2014. TAF international election observers joined the audit process beginning August 10. The audit was conducted by staff of the IEC (Independent Election Commission) under the supervision of the United Nations (UN). Auditors were directed to work from a pre-determined list of fraud indicators which included ballot papers that were not marked according to procedure or that showed significant patterns of obvious similar markings. They were also charged with confirming other relevant information from the polling station journal and polling station voter log. The audit criteria required to trigger full recounts of individual ballot boxes continued to evolve throughout the process. The findings of IEC auditors and the UN were then reviewed by the IEC Board of Commissioners in open meetings to decide whether to accept, recount or invalidate the results.

Since both local and national vote counts were not released to the public it is not possible to determine the exact extent of ballot box fraud. However, TAF observers were able to document that approximately 10% of all votes they witnessed in the audit and recount to be invalid based on the pre-determined criteria. Based on their observation of 3% of all votes cast, TAF concluded that the number and percentage of invalidated votes was higher for candidate Ashraf Ghani at 19,924 votes or 11.30% of votes in his favour with candidate Abdullah Abdullah having 10,513 or 6.80% of ballots cast in his favour disqualified.

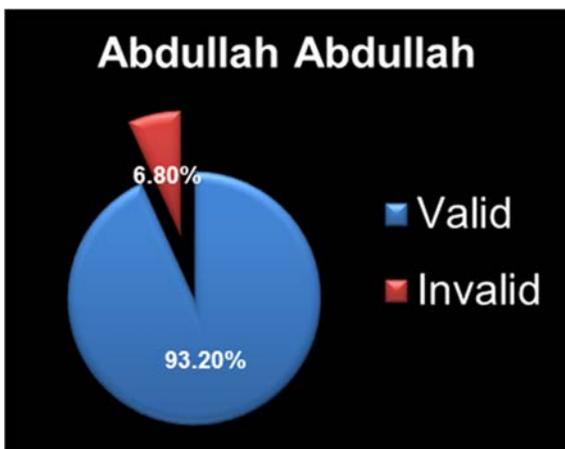


Fig. 2. Valid/Invalid ballot ratio for candidate Abdullah

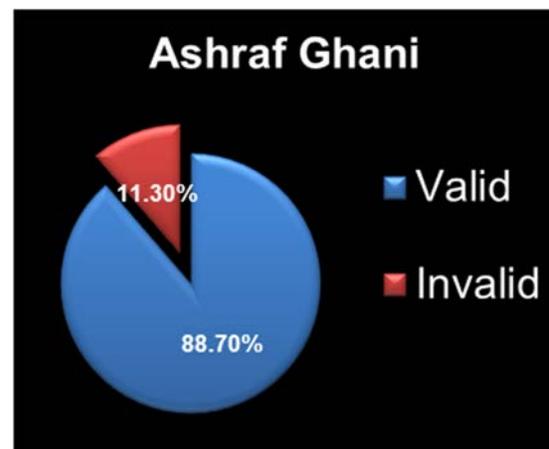


Fig. 3. Valid/Invalid ballot ratio for candidate Ghani



Fig. 4. Number of ballots per candidate deemed invalid

The audit and recount were one of two pillars that had been erected to meet the goal of a democratic transition of power. Judged against the second goal of establishing a government of national unity the audit may be viewed as successful in that it provided a two-month breathing space to negotiate the transition of power and a power sharing

agreement between the two candidates. However from an electoral best practices perspective

the audit failed to meet its own goal of addressing questions of electoral fraud and building public confidence in Afghanistan's nascent democratic infrastructure.

In order to translate the relatively peaceful transition of power into a national dialogue around building a normative expectation of democratic values and institutional electoral capacity TAF suggests the following findings be considered and recommendations be implemented.

FINDINGS

1. TAF observations determined the process was less about achieving electoral best practices than serving political imperatives. Audit implementation and enforcement fell short in a number of respects.
2. It is never good practice to amend fundamental elements of any electoral process less than one year before an election – the audit process, while reasonably comprehensive in its design, was nonetheless undertaken at short notice and continued to evolve.
3. Inconsistent adjudication and procedural uncertainty caused candidate agent unrest and further diluted the authority of the IEC. Despite the process receiving candidate consensus and the UN supporting the work of the IEC, the mutual mistrust between the candidate agents tainted the audit, challenged its administration and resulted in a boycott by one camp leading to the withdrawal of the other.
4. The audit proceeded without candidate agent supervision and observers noted an increase in IEC bias and non-compliance with procedures during this time.
5. Ballot boxes subject to full recount revealed disturbing evidence of widespread fraud.
6. The failure by the IEC to publically disclose detailed election results is contrary to recognised international electoral standards and best practices and creates a climate of mistrust.
7. The audit did not include the international best practice of requiring an investigation of ballot box anomalies with the potential of judicial recourse leading to partial or complete re-runs of voting;
8. The audit did not attempt to properly investigate fraud when it came to comparing the number of unique voters and the number of ballots cast;

9. During the audit, there was no continuous chain of custody of the audit results sheets and without a public release of all results it is not possible to determine if the audit results were faithfully reproduced in the final tally;
10. It cannot be assumed that the ballot boxes that did not run afoul of the predetermined list of violations that triggered a recount were free from interference since:
 - i. The audit guidelines were limited in what they considered evidence of fraud and therefore were not comprehensive allowing suspicious practices that had not been pre-identified to go unchecked;
 - ii. TAF observations indicate a non-compliance rate of 18% by the IEC and UN in adhering to the established audit guidelines;

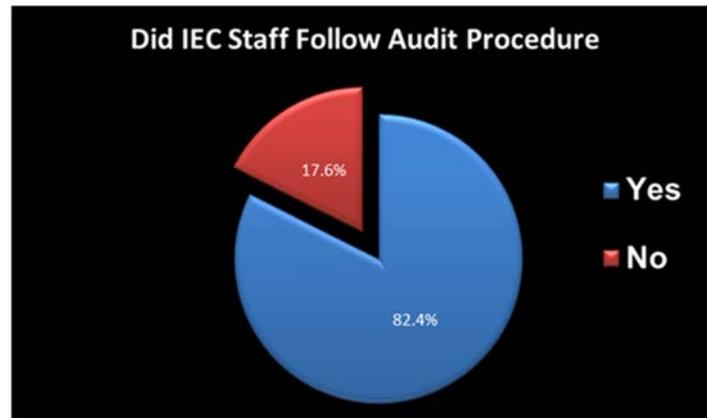


Fig. 5. IEC compliance rate with audit procedures

- iii. TAF observed instances of UN staff being intimidated by candidate representatives leading to a material change in how the audit/recount was conducted;
- iv. 95% of TAF observed ballot boxes contained 590 or more votes (out of a possible 600). This level of voter turnout might be expected in a totalitarian state but is not credible in a country with nascent democratic practices and security concerns around balloting:

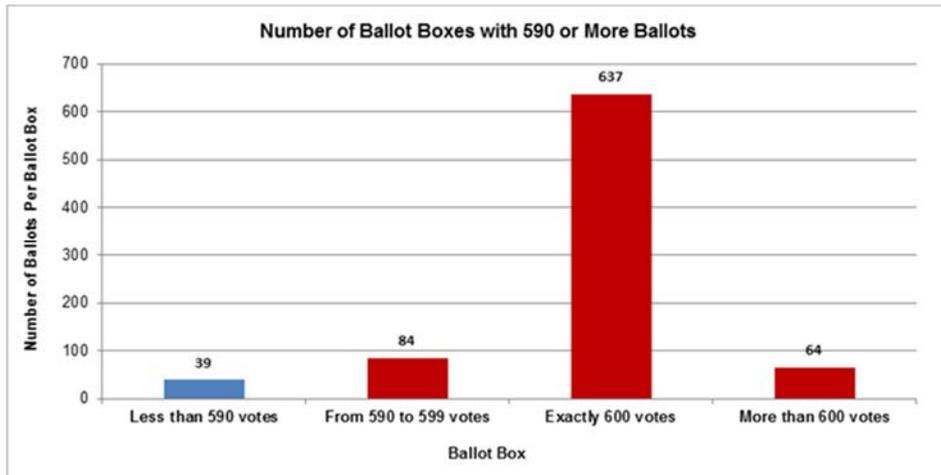


Fig. 6. 600 ballots is the maximum number of votes per polling station. A consistent voter turnout of 100% is a strong indicator of fraud.

RECOMMENDATIONS

Priority/Short-Term Recommendations:

1. The IEC needs to take full responsibility and execute the authorities given to it by the Constitution and the electoral laws;
2. The IEC must develop the required policy and procedural documents well ahead of an election, and in consultation with stakeholders, to avoid creating or revising them immediately prior or during the election period;
3. IEC should increase its transparency through the adoption of an Open Data policy to allow for greater input in identifying problem areas;
4. The IEC should consider requiring Election Day voter registration in areas at greater risk of vote fraud and proxy voting for women. This will enable observers and agents to witness who is registering and voting;
5. As in previous elections, the IEC should return to its practice of swapping out polling station staff within and between districts to counteract any political influence;
6. Counting should occur at the provincial or regional level and be broadcast over local television. This reduces the threat of local interference;
7. In order to prevent the requirement for an audit there is a need to address the culture of electoral malfeasance with a stronger commitment to electoral procedures transparency and enforceable sanctions to be used against violators;
8. In order to build public trust and reduce the perception of cronyism the number of IEC commissioners can be reduced and all commissioners should be re ratified by both houses of the National Assembly;
9. In line with the fundamental norms of international electoral standards final election results should be published by the IEC in an accessible and user friendly database format such as CSV (comma-separated values);

10. Civil Society should be encouraged to undertake targeted Parallel Vote Tabulation (PVT) and be trained in its strengths and weaknesses;
11. Voter education programmes should focus on how proxy and multiple voting diminishes the voice of electors in the democratic process. Polling station staff should be instructed and trained to prevent this practice.

Medium to Long-Term Term:

1. The IEC and relevant stakeholders should undertake a strategic review of election modalities of the Single Non-Transferable Vote (SNTV) and the Presidential balloting process in the light of electoral fraud and the need for legislative reform. This exercise should result in the production of a number of option papers all of which should be accessible to the public;
2. The IEC should consider establishing a centralised voter registry, along with a more robust identification document. Electronic Voting (EV) should be examined given Afghanistan has a high uptake of smart phone technology;¹
3. Authorities should exhibit greater political will to counter any form of pressure on voters. All instances and allegations of pressure and intimidation should be thoroughly investigated and prosecuted by the relevant authorities;
4. Political leaders should publically sign an electoral practices code of conduct. Regular televised and public political party consultative forums should be established to build trust, mutual support and transparency;
5. The IEC has significant number of staff trained in advanced election management. The gradual reduction in both international fiscal as well as technical advice is needed so that Afghanistan can reclaim ownership of its electoral process;

¹ There may be willingness from Indian state authorities and other regional EMBs that have had success using this technology to support the transfer of knowledge.

6. IEC should create a culture of zero-tolerance for its employees who commit or tolerate fraud with any violations referred to the relevant authorities for investigation and judicial deterrence;
7. The IEC should develop a communications strategy to promote its work and increase transparency and trust in the institution. The IEC should lead and coordinate stakeholders in effecting a positive electoral culture change;
8. IEC institutional independence should be strengthened through the provision of secure long term budgetary allocations, defining its work plans with its international technical assistance partners leading to their exit; and undertake measures to refocus IEC leadership to assume full responsibility for the conduct of elections.

BACKGROUND TO THE AUDIT

Following the release of preliminary results in the Presidential Election Run-Off Balloting a deadlock in certifying results occurred due to allegations of widespread fraud. An agreement was reached between the two candidates, with facilitation provided by U.S. Secretary of State John Kerry, which resulted in an agreement to audit all of the results; entailing more than 8 million ballots from almost 23,000 polling stations. According to the Independent Electoral Commission (IEC) approximately 60 percent of the country's 12 million eligible voters turned out to cast a vote for either Dr Abdullah Abdullah or Dr Ashraf Ghani Ahmadzai as the successor to President Hamid Karzai. Both candidates committed to participating in, and abiding by, the result of this comprehensive audit. The aim of the audit was twofold – the confirmation of ballot count results from the second round of voting – and the validation of electoral processes, including staff integrity. The audit was also part of a broader strategy that included forming a government of national unity and ensuring the peaceful transition of power from the Karzai administration.

The audit was carried out under the authority of the IEC, with the facilitation of the United Nations agencies including UNAMA, UNDP-ELECT and UN Electoral Assistance Division. More than 200 full-time international observers were deployed along with an additional 100 part time observers seconded from Kabul based embassies. Approximately half of the full time observers were provided by the European Union (EU) with the other half sponsored through the United States Government (USG).

The USG groups included The Asia Foundation (TAF), Creative Associates, the National Democratic Institute (NDI), and Democracy International (DI). The Asian Network for Free Elections (ANFREL) was also present with funding provided by Australia Aid. In addition to the international election observers, there were national civil society organizations performing electoral observation as well as agents for the Presidential candidates and various national and international media also witnessed the process.

The TAF audit team was guided by the Declaration of Principles for International Election Observation which was formally adopted by the United Nations on October 27, 2005.² As per

² Carter Center. *Declaration of Principles for International Election Observation*. Web. 9 Dec. 2014. http://www.cartercenter.org/resources/pdfs/peace/democracy/des/declaration_code_english_revised.pdf.

the Declaration, TAF observers maintained strict neutrality in the observation process so that their findings could not be construed as biased towards any particular outcome.



Fig. 7. Mine Resistant Ambush Protected (MRAP) vehicle inside the IEC compound

To facilitate the audit, the UN-mandated International Security Assistance Force (ISAF) transported the ballot boxes from the provinces to the capital, Kabul, with UN support. The process included the participation of IEC officials, candidate agents and Afghan security forces. United Nations Secretary General Ban Ki-moon reported to the Security Council on September 9, 2014 that the transfer of ballot boxes to the national tally center located in the IEC compound on Jalalabad Road, Kabul occurred without incident.³

³ Ki-moon, Ban, Secretary General, United Nations. General Assembly Security Council. *The Situation in Afghanistan and its Implications for International Peace and Security*. General Assembly, Sixty Eighth Session. Agenda item 37. Web. 9 Sep. 2014.



Fig. 8. IEC warehouse and audit hall. Note blackened and buckled ceiling from earlier fire caused by a rocket propelled grenade attack.



Fig. 9. IEC Data Entry Hall at IEC compound

Working in a number of warehouses on the IEC compound, the IEC staff conducted the audit with the UN providing oversight on the procedures and adjudication of disputes. Observers, agents, media and UN advisors had access to the entirety of the audit process: Regular Audit, Special Scrutiny, Data Entry, and IEC meetings. A total of 386 agents were accredited from Dr Abdullah, 264 for Dr Ghani, along with the 272 national observers and 293 international observers⁴. The process

required an investigation of all ballot boxes. This 100% audit methodology of all ballot boxes is designed to provide a high degree of integrity over and above fixed-percentage audits. Each ballot box underwent a sample review and possibly a full recount, dependent upon whether any one of the twenty predetermined recount “triggers” were discovered.

⁴ IEC. “100% Audit.” IEC Offices, Kabul. 21 Jul 2014. Media Briefing.

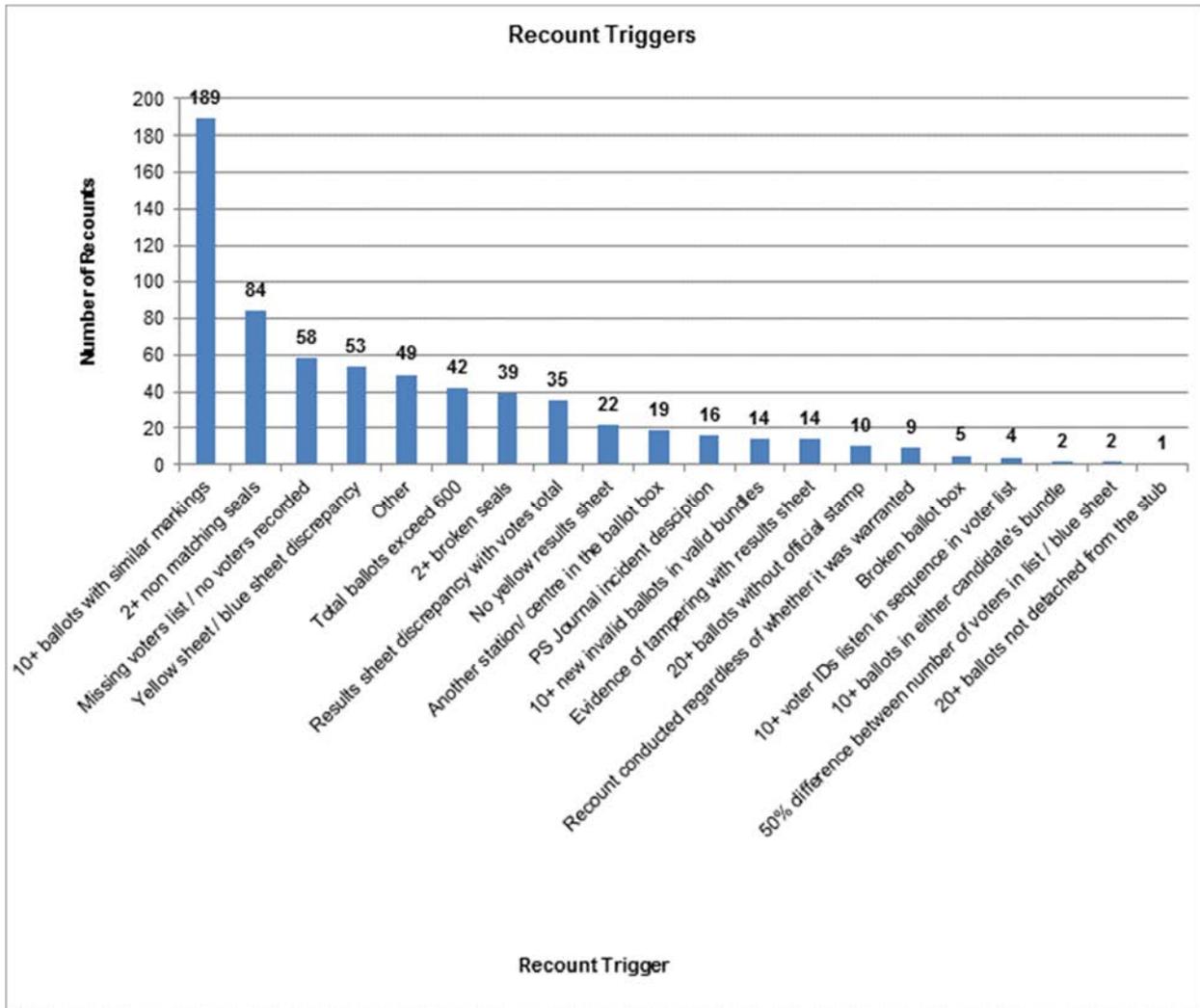


Fig. 9. The list of pre-determined triggers that would commence a full recount of all ballots in a ballot box. If a sample of the ballots indicated any of the above triggers triggered a recount was required. The presence of 10 or more similarly marked ballots was the leading recount trigger.

In addition to full recounts initiated through the audit process each candidate was permitted to identify an additional 3,000 ballot boxes (6,000 in total) which automatically underwent a complete recount. Throughout this process, observers and agents could comment and ask questions based on the audit checklist. Any disputes or questions not responded to in a satisfactory manner by the IEC staff could be referred to the UN for advice or resolution, including matters related to international best practices. If the issue was not resolved, it would be recorded in the audit sheet for further adjudication by the IEC Commissioners in its deliberations. Once decisions were taken and announced by the IEC the Presidential candidate election teams had 24 hours within which to appeal the IEC decision to the Independent Electoral

Complaints Commission (IECC) who could refer the matter back to the IEC for further review. A final ruling by the IEC was then required within 48 hours. This procedure was in conformity with the Afghan Constitution and legal framework.

Throughout the audit and vote tabulation process, the campaign team of each candidate was kept informed of the running total of validated and invalidated ballots. Though this information was not released publically it seemed clear, based on TAF observations, that candidate Ghani was continuing to outpoll his rival candidate Abdullah. Given ethnic and political polarisation, and the importance politically of the post of President, localised tensions occurred at audit tables. The unknown and dangerous factor was the degree of control that candidates had over their agents. The appointment of audit centre agent supervisors and team leaders helped to control a number of situations however there were a number of physical clashes between candidate agents.⁵ One locally engaged TAF translator also received a death threat in the counting hall for translating a discussion between agents suggesting that agents shouldn't fight each other but should instead fight the "Americans," which was taken to mean the international observers and UN staff.⁶ With tension rising in the audit halls and the count seemingly showing a negative trend for candidate Abdullah he withdrew his agents from the audit process on August 27, 2014. This prompted the commensurate disengagement, on the advice of the UN, of the agents for candidate Ghani. This resulted in there being only international and domestic observer groups to serve as observers to the process.



Fig. 10. IEC auditor examines ballots in front of a TAF international observer Anna Rafdal.

At times, in the immediate aftermath of the withdrawal of candidate agents, both IEC and UN staff assumed that international observers would undertake the agent role, especially when it came to determining which ballots were similarly marked, failing to understand that there are clearly

⁵ Most serious incidents were: on 6 August 2014 party agents clashed outside the media centre where rocks were thrown; on 19 August 2014 a personal dispute from an agent from Dr Abdullah escalated to a physical violence with daily wage workers employed by IEC.

⁶ INSERT NOTE FROM TAF DAILY LOG

defined roles for observers and agents. Beginning on August 28, 2014 the audit process was amended so that the IEC audit table staff would determine what constituted a Similarly Marked Ballot (SMB) rather than the UN staff, which had been the case previously. With IEC staff identifying possible SMBs and grouping them in bundles, the UN would then adjudicate on these bundles only. This led to an increase in the pace of the audit but as was noted in TAF observer reports, this also provided an opportunity, in some cases, for biased IEC staff to manipulate the process in favour of their preferred candidate by purposefully ignoring similarly marked ballots and failing to follow audit procedures.⁷ As the pace of the audit increased there were requests for TAF observers to simultaneously monitor multiple audit tables. However, to ensure accuracy of reporting, oversight and deterrence to any possible malfeasance, each TAF observers only observed one table at a time, despite requests by the IEC, and the UN. International observers from other organizations were openly complaining that the practice of observing multiple tables was compromising their ability properly discharge their responsibilities.⁸

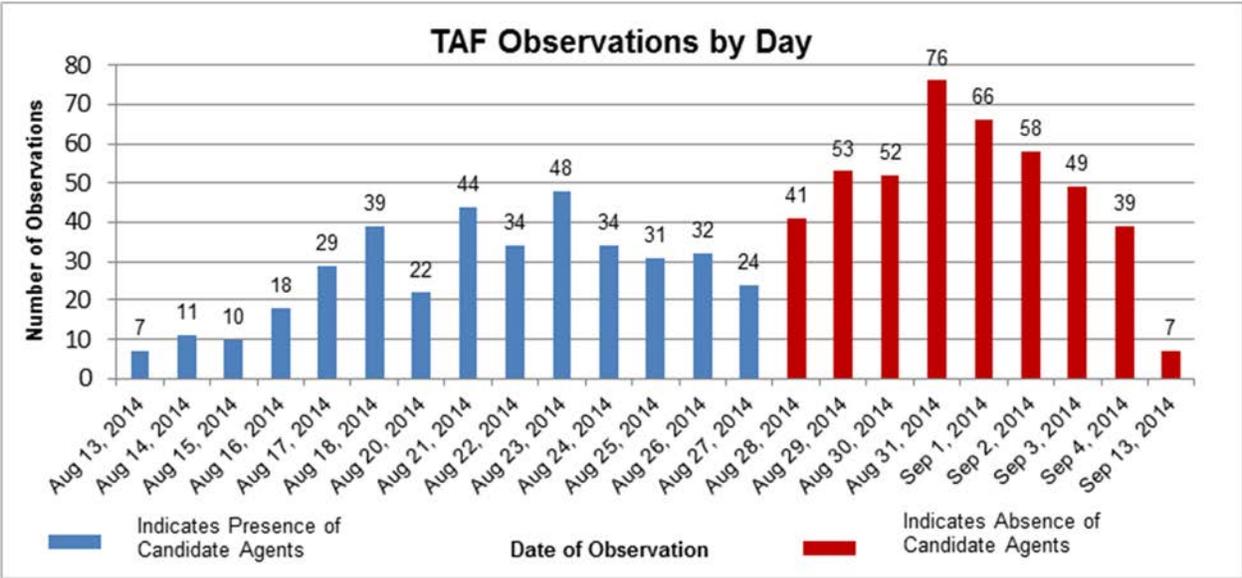


Fig.12. The audit pace increased but the audit quality decreased in the absence of candidate representatives.

The audit was initially declared complete on September 4, 2014 at which time the majority of international observers departed the country. However, in the process of determining the final tally it was discovered by the IEC that approximately 400 ballot boxes had not been audited. The

⁷ TAF. "TAF IEO Report Daily Round-Up," 27 Aug 2014. Kabul
⁸ TAF. "TAF IEO Report Daily Round-Up," 30 Aug 2014. Kabul.

audit process then recommenced for one day on September 13, 2014. The audit on this last day was largely conducted without close international supervision. Non-TAF observers were being assigned up to four simultaneous audit tables exacerbating the earlier noted complaints of some non-TAF observers that they were unable to properly carry out their responsibilities. TAF consistently rejected this approach as against best practice. TAF observer Dennis Alpert observed the audit of the final box which contained numerous discrepancies (and a shoe) and was recommended for invalidation.



Fig. 13. L-R, TAF Observer Dennis Alpert, UN audit hall Supervisor, UN Senior Election Advisor Richard Chambers, TAF Lead Observer Bill Clay posing in front of the final audited ballot box.

With the 100% audit complete the process of validating the results of the balloting reverted to the IEC and the IECC. As a result of direct negotiations between the candidates, and in respect of the goal of forming a government of national unity, the IEC succumbed to political pressure to release only the name of the winning candidate without a detailed breakdown of votes or the final vote total. On September 21, 2014, Ashraf Ghani Ahmadzai was declared to have won the election. He was sworn into office on September 29, 2014, with runner-up

candidate Abdullah Abdullah accepting the results and agreeing to serve in the newly created post of Chief Executive in a government of national unity.

OBSERVATION METHODOLOGY AND THE AUDIT – LESSONS LEARNED



Fig. 14. TAF was able to recruit leading international experts in the field of electoral process and observation. Pictured above is Bujar Basha – Deputy Chief of Elections, OSCE Mission in Kosovo

The purpose of this analysis is to provide recommendations relevant to the audit process and the wider electoral context, and to determine its compliance with best practices including the attainment of the principles of genuine elections and freedom of expression. The shortcomings are viewed against recognized best practices but which also recognize that no voting system is perfect and that there is no one-size-fits-all model. Election traditions, laws, administrative structure and voting systems vary widely– nonetheless there are guiding principles that may be seen as benchmarks against which the Afghan experience may be evaluated. It is considered appropriate and acceptable that consultation is undertaken to define

audit procedures. As is often typical in conflict and post conflict situations, the technical process is heavily influenced by the politicians and the political context, and may lead to a reduction of authority as in the case of the Afghanistan IEC.

Wherever possible, TAF observers were tasked to report on both the positive and negative aspects of this audit from an international best practices perspective. Observers did not comment on the organisation or outcome of the two rounds of voting, except in relation to issues identified in the agreed upon audit checklist. Given that there were multiple USG observer groups with each only reviewing a sample, a definitive assessment is only possible by comparing all observer reports. Consideration must also be given to the fact that with language differences, the fact that audits are exceedingly uncommon, and that all observer groups have staff with varying degrees of expertise and experience - it is natural that there will be some inconsistencies in reporting and interpretation.

TAF observed more ballot boxes in five provinces than other USG EOM groups (Badakhshan, Baghlan, Faryab, Parwan, and Sar-i-pol). This concentration provides insight into what occurred in both moderately secure locations as well as those subject to insurgent incidences.

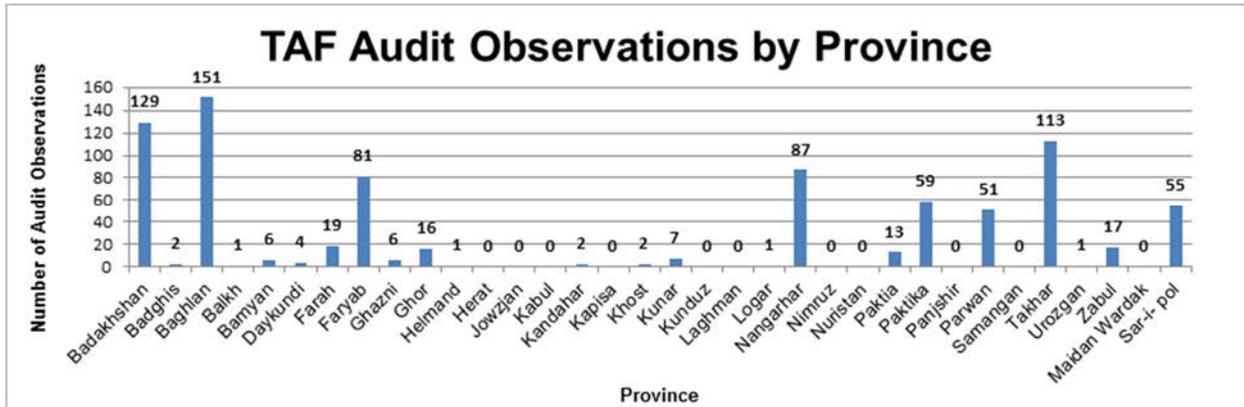


Fig. 15. TAF observations were more focused in provinces where the candidates had identified particular concerns regarding potential fraud.

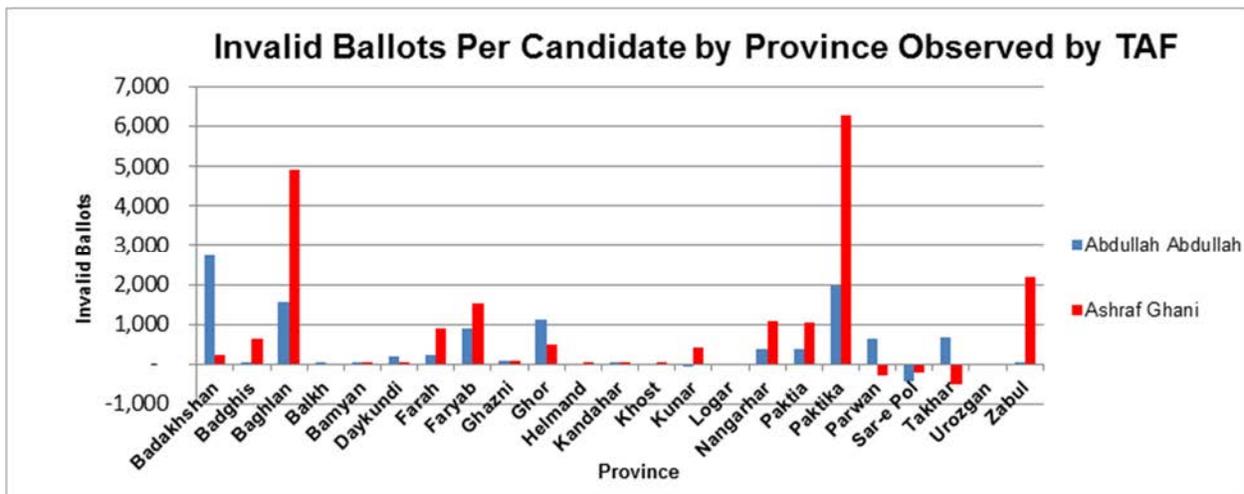


Fig. 16. Invalid ballots tended to be concentrated in specific provinces

Observer forms used by TAF were similar to other USG funded organisations to maintain consistency of reporting and therefore aiding in comparative analysis. TAF observed 824 of 22,828 ballot boxes. This represents an audit survey of 3% of all ballots. It must be noted that TAF observed a disproportionate number of ballot boxes that were pre-determined to receive a full recount under the provisions that allowed for candidates to pre-identify boxes for “special

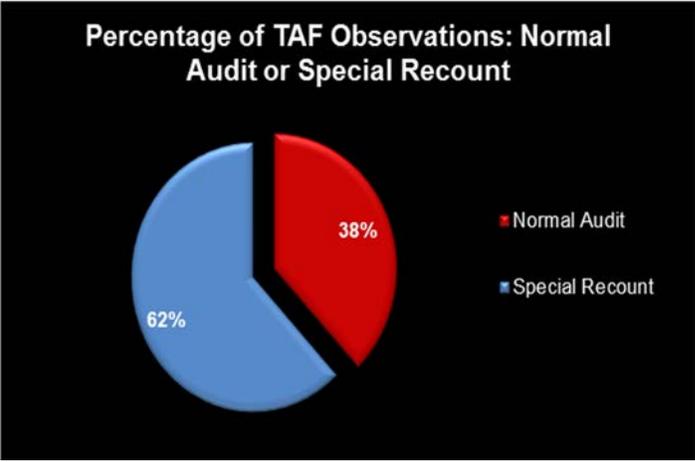


Fig. 16. Special Recount boxes were subjected to greater scrutiny

scrutiny.” Caution should therefore be exercised in extrapolating data from problematic areas and using the same to characterize the integrity of Afghanistan’s electoral process.

AUDIT PROCESS - POSTIVE OBSERVATIONS

1. Audit process designed, initiated, and managed in very short order to minimise the impact of further delay in forming a new government;
2. All stakeholders were able to mobilise large number of staff to support the process (IEC, UN staff, observers, candidate agents). The majority of international observers departed following the conclusion of the audit but prior to the generation of results;
3. The audit procedures were established according to applicable law;
4. In most cases the procedures were properly followed with IEC table staff acting in an impartial manner and in accordance with the law;
5. The audit reconfirmed that most ballot papers showed the clear intention of the voter and were considered valid. Ballots generally did not contain any unusual markings intended to violate the secrecy of the vote;
6. Initially the ballots for each candidate on the whole were separated correctly and counted individually;
7. There were no observed incidents of IEC audit staff attempting to invalidate ballots by placing additional markings on the ballots;
8. How to vote posters (often recovered and stored in the ballot box) were unbiased and did not show a ballot paper marked for a certain candidate;
9. IEC election officials appeared to understand and adhere to the required procedures. This was helped by the presence of a procedural tick list (audit protocol) and diagrams clarifying procedures (e.g. SMBs) at each audit table
10. Audit of votes and recording of results were, for the most part, generally honest and accurate. Official audit protocols were correctly completed at the end of each audit and signed by all authorized persons. The majority of agents signed off the audit protocol without comment
11. IEC by and large had effective custody of materials throughout - any infractions were minor and short in duration;⁹

⁹ On a few occasions when arriving for shifts, TAF observers were able to access the audit halls where IEC and party agents were absent.

12. IEC compound security and access was highly effective with a good mix of both international military alongside domestic police forces including a rapid reaction force which could manage on-site issues;
13. Security protocols were comprehensive and varied to prevent predictability (a knife was found on an individual attempting entry);
14. Back-up generators were available to ensure continuous power and lighting
15. Good level of understanding by security forces (both international and domestic) on when to “impinge upon the democratic process” and when not to – other than to ensure a sterile work environment, through person and vehicle search, security forces were only present when required to manage issues (often inter agent threats, or actual, violence)
16. The application of a consistent process was greatly aided by the use of a universal check-sheet, written in Dari, Pashtu and English for both IEC staff and observers to follow.
17. The audit was conducted in a transparent environment, with adequate arrangements for candidate agents and observers to clearly see all aspects of the counting, including marks on ballots. Agents and observers were able to monitor the process without hindrance. They were able obtain audit results information including photocopies of official copies of the audit protocol (Check-sheet);
18. Agent disputes or complaints were resolved in a satisfactory manner (in the main part by having independent international UN adjudication)

AUDIT PROCESS - NEGATIVE OBSERVATIONS

1. Chain of custody and security procedures are used to prevent and detect any illicit addition, subtraction, substitution, or tampering with ballots and results and other audit records – the linkage between the observable audit and final results was open to abuse;
2. Process consistency and clarity was lost due to continual revisions of the audit process;
3. A shortage of UN staff and varying degrees of experience;
4. A lack of qualified interpreters and translators supporting UN staff;

5. Differences in interpretation of procedures;
6. An apparent lack of internal UN/IEC review and feedback at the end of each day to correct deficiencies;
7. Poor communication of procedures between stakeholders;
8. TAF observer reports noted a reduction in the quality of the audit and staff attitudes towards the end of the process, particularly after instructions from both IEC and UN to finish the job quickly;
9. The IEC failed to make public both the local and national vote totals;
10. Unclear if candidates were able to challenge the validity of election results in a court. Similarly unclear if challenges are dealt with in an impartial manner and decided upon based on available evidence and without political consideration;
11. Practical reality required the deployment of international security forces, which is not sustainable;
12. Varying risk assessments led to different levels of security provided to international observers. USG funded groups operated at vastly different protocols – this at times resulted in some USG being not allowed to travel to IEC, while other did (for the most part TAF);
13. Inadequate numbers of counting staff and supervisors;
14. Bias of election officials, dishonest counting or reporting of the ballots;
15. Disorderly conduct was generally accepted at the audit tables;
16. Multiple and identical “signatures” (serial numbers) on the voter list;
17. Arbitrary or inconsistent invalidation of ballots cast;
18. Polling-station results protocol not completed in the polling station;
19. Polling-station results protocol filled in by pencil instead of pen;

20. Discrepancies between election-day records of results and the recorded and audited results;
21. Following the initial count at the provincial level the unused ballots were secured within their booklets but they were not cancelled after being counted. This provides opportunity for later tampering with the results;
22. Invalid ballots often were not appropriately segregated and preserved for review.
23. On occasion, ballots which were invalidated by the UN due to the presence of similar voting marks were subsequently and intentionally deemed valid by IEC table staff and reintegrated into the results;
24. Polling stations and ballot boxes consistently reporting a 100% participation rate strongly implies fraud. Of the 824 ballot boxes observed by TAF 637 recorded 600 votes which is the maximum possible numbers of ballots (see fig. 6, p. 14);
25. The audit process did not fully address the concern of fraud. During the main audit no attempt was made to review:
 - i. The number of registered voters recorded as having voted did not correspond with the number of ballots cast;
 - ii. It is unclear if voters recorded in the voter list are genuine, if the serial numbers are genuine, and if the voter is likely to be located in the polling station catchment area;

CONCLUSION

The IEC did not have control of the audit process. The rights and responsibilities afforded to them through the applied legislation were diluted because of the need to rely on the international community for assistance in implementing the unprecedented audit process. From both the national institutional and international donor community this is not a sustainable technical, political, or financial endeavor.

As with the observers to this process, both the IEC and the UN were obliged to operate under the audit terms negotiated by the candidates. Assuming both bodies responsible for the audit were aware of the issues, as outlined above, relating to the general integrity of the election and the concern of fraudulent practices beyond the agreed upon audit procedures, all parties were nevertheless limited in what they could report. The purpose of the audit was to satisfy candidate specific concerns regarding fraudulent votes and to achieve the strategic goal of forming a government of national unity. The observation process was designed around report forms that in turn were primarily used to confirm IEC compliance with agreed upon audit procedures. However, it does not necessarily follow that if the observer report does not record any audit triggers the result is without issue. An audit with an exclusive goal of uncovering fraud and advancing best practices would have used additional audit metrics that would likely have revealed further evidence of fraud had there not been a limited list of recount triggers.

The fact that greater efforts were not made to confirm the integrity of the process by fully determining the extent of fraud suggests that electoral integrity was of secondary importance. The priority was clearly to conclude the election in the shortest possible time prioritising the resolution of continued candidate engagement over and above all other concerns. Thus this election was clearly a political exercise rather than a technical process. The goal of building a sustainable and credible election process to be carried out by an independent electoral commission was compromised in consideration of the immediate requirement of appointing a president. The process precluded or diluted the “normal” electoral practices of complaints investigations and judicial recourse and any required partial or complete re-runs of voting.

As is often the case in conflict and post conflict countries, elections are more reflective of political rather than technical considerations and thus best practices may not be upheld. Unless the

relevant stakeholders attempt to address fundamental issues future Afghan elections will become even less attainable, less credible and less acceptable. This is made more so given the reduction of international assistance to the country. As outlined in the findings and recommendations, future electoral challenges in Afghanistan include: increasing the operational independence of the IEC away from donor-driven international technical, political, financial and security dependency; making elections a technical rather than a political process; and increasing the integrity of the process to ensure that all stakeholders will accept electoral outcomes and that violations are punishable by through the courts..

MONITORING AND EVALUATION

The measurable objective of the TAF EOM was to increase the transparency of the 2014 Presidential Run-Off Election process. This was to be accomplished through the recruitment and training of twenty (20) qualified international election observers who would provide daily observation of the audit process and gather statistical data in order to measure the primary objective.

Due to the exigencies of having to recruit qualified and experienced election observers on as little as 24 hours' notice for international deployment of an unknown duration, the process was conducted through a reliance on a rolling roster drawn from existing professional observer organizations, professional referral and the secondment of permanent TAF international staff based in Kabul. The Asabiya Consultants network, which specializes in Democracy, Governance and Elections, and ANFREL provided the observers brought in from outside of Afghanistan with the local TAF office providing the balance.

Along with the need for experience in fragile state EOM due consideration was also given to gender and global geographic representation. In order to maintain the required number of observers a rolling roster was developed which ultimately saw 28 experts deployed over the course of the mission. The TAF EOM was able to achieve a continuous minimum gender balance of 60-40, with representation from a dozen countries, including significant representation from the Global South. This mix of expertise included the former head of Electoral Assistance of the OSCE Mission to Kosovo, the Senior Legal Advisor to the OSCE Kosovo Electoral Complaints and Appeals Commission, the Deputy Chief of Elections of the OSCE Mission in Kosovo, and two former Country Directors from the National Democratic Institute.

The observers completed 823 audit observation forms, from which daily reports were provided to USAID Afghanistan. These reports have been collated and stored as both hard copies and digital files and remain in the possession of TAF Afghanistan. Additional reports covering private and public meetings with the IEC, IECC, UN representatives and other USG observer groups were provided following each event. TAF EOM leadership met regularly with USAID AOR (Agreement Officer's Representative) and other embassy officials as requested and provided an interim report on findings prior to the departure of the last observer. Through the provision of

the daily audit reports and situational briefings with Afghan and international officials the TAF EOM was able to successfully provide greater transparency in the conduct of the 2014 Presidential Run-Off Ballot Audit.

The M&E report was prepared by an outside consultant with review by permanent TAF staff in Afghanistan.

Time-Line of Major Activities/Events

- First Round of Voting: April 5, 2014
- Second Round of Voting: June 14, 2014
- IEC Decision 27-1393: July 14, 2014 100% audit of run-off election ballot boxes
- Commencement of Audit: July 17, 2014
- IEC Decision 33-1393: July 30, 2014 — Criteria for nullification and recount for votes for all run-off election polling stations
- IEC Audit Procedure Clarification 8 August
- Arrival of initial tranche of TAF observers: August 10, 2014
- IEC Decision 37 -1393: August 16, 2014– Decision making on audit and recount results of run-off election ballot boxes
- Withdrawal of Candidate agents leaving IEC, UN and Domestic and International Observers: August 27, 2014
- Completion of Audit: September 13, 2014
- Majority of TAF and other USG Observers begin departure: September 10, 2014
- Certified results: September 21, 2014
- Of all 22,828 polling stations, 11,945 polling stations were validated, 1,206 polling stations were invalidated and 9,677 polling stations were recounted as the result of audit conducted by the IEC.
- Final TAF international observer departure: September 30, 2014

Key Personal Involved in the Audit EOM

Name	Position in the Foundation	Country of Origin
Senior TAF National Staff		
Ahmadzai, Abdullah	Deputy/Acting Country Representative	Afghanistan
Ilham, Idrees	Director Governance	Afghanistan
International Electoral Consultants		
Campbell, Andy	Mission Director/Report co-author	Australia
Clay, Bill	Lead Observer/Report co-author	Canada
Fulton, Hugh	Lead Observer/Report co-author	United Kingdom
Alpert, Dennis	Election Observer	USA
Basha, Bujar	Election Observer	Kosovo
Byers, Stanley	Election Observer	USA
Coish, Summer	Election Observer	USA
Dara, Marini	Election Observer	Indonesia
Diez, Candy	Election Observer	Philippines
D'Souza, Shantie	Election Observer	India
Ghimire, Pradip	Election Observer	Nepal
Gorman, Patrick	Election Observer	Australia
Gosling, Luke	Election Observer	Australia
Howard, Kate	Election Observer	USA
Karim, Jena	Election Observer	USA
Nurhajati, Lestari	Election Observer	Indonesia
O'Brien, John	Election Observer	USA
Omarkhel, Valentina	Election Observer	Germany
Rafdal, Anna	Election Observer	USA
Salihu, Urim	Election Observer	Macedonia
Sen, Shawan	Election Observer	India
Sorkhabi, Kanechka	Election Observer	France
Wilson, Joshua	Election Observer	Australia
IEO Support staff		
Habibyar, Ajmal	Field Coordinator	Afghanistan
Tayeb, Mujahid	Field Coordinator	Afghanistan
Sultan, Baiazid	Project Associate/Afghan Intern	Afghanistan
Yousufzai, Mir Mohammad	Project Associate/Afghan Intern	Afghanistan
Permanent TAF Afghanistan Staff		
Santwana Dasgupta	Election Observer	USA
Dion Mellor	Election Observer	United Kingdom

Vanessa Perry	Election Observer	USA
Christina Satkowski	Election Observer	USA
Aaron Steppe	Election Observer	USA
TAF Country Office Staff		
Fazel, Wahidullah	Travel Coordinator	Afghanistan
Kazimi, Aminullah	Senior Program Finance officer	Afghanistan
Patwal, Mohammad Rafi	Project Assistant	Afghanistan
Qaem, Khushal	Senior Program Officer	Afghanistan
Shah, Hafeez Ullah	Finance Officer	Afghanistan
Yousaf, Mirwais	Admin Manager	Afghanistan
TAF Country Office International Staff		
Baral, Madhu	Senior Finance & Grants Director	India
DeSouza, Mark	Procurement Manager	India
Geary, Ethan	Program Management Office Director	USA
Hardy, Lee	Security Director	United Kingdom
Yates, Peter (TAF Bangladesh)	International Mission Coordinator	Australia