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Polling Day Fraud in the Afghan Elections

1. INTRODUCTION

Journalists, observers and diplomats have caught on to the fact that all was not well with last month's Afghan elections. But it is not always clear what exactly happened and why that is a problem. This briefing paper aims to give an overview of the various forms of irregularities that took place on polling day. It is based on interviews – before, during and after the elections – with Afghans from all over the country. Many of them were witness to or somehow implicated in the fraud that took place.¹

The election in Afghanistan had many faces, as it took place under widely varying local circumstances. There were marked differences in

the levels of insurgency and violence, geographical and demographic characteristics, the level of social and political mobilisation, and the local nature of the political contest. Turnout and female voting was for instance relatively high in the Hazarajat and in the north – although there was localised low turnout due to rocket attacks and fighting. It was very low in the east, south and southeast, as well as the provinces to the immediate south of Kabul (Wardak, Logar) and parts of the west (for instance Badghis). Reports from insecure districts consistently described largely empty polling stations, with sometimes only the staff and the guards voting, and practically no female voters – if the polling site could be found or visited at all.

Irregularities by polling staff, such as providing voters with guidance while voting, allowing underage voting and not properly checking personal IDs, were prevalent in the areas where people came out to vote. These irregularities were often picked up and reported on by observers. Strong tribal or commander networks in many areas provided opportunities for intimidation and control of the local electoral institutions. This tends to have a greater impact on the actual outcome and is more difficult to detect; it can often only be uncovered through witness statements. The violence and threat of violence exerted by the insurgents in large parts of the country – in

¹ This paper focuses only on polling day fraud. It does not include possible manipulations during or after the local count, during transport and overnight storage, or in the centralised count and data entry process. However, the experiences of past elections and the lack of transparency by the Independent Electoral Commission (IEC) on basic polling data, suggests that close scrutiny may be warranted. See also "AAN Election Blog No. 27: A mysterious election and a fluid count" for details on the in-transparency of the count: <http://www.aan-afghanistan.org/index.asp?id=295>.

particular the south, the southeast, the provinces around Kabul and pockets in the north and west – finally, kept many voters and observers away. This provided opportunities for unmonitored ballot-stuffing, which took place around the country on varying scales.

2. IRREGULARITIES

For the sake of analysis it is useful to distinguish between electoral irregularities that do not necessarily affect the total vote in any significant way – although they do serve to undermine the credibility of the process – and the attempts to significantly reshape the outcome of the elections. Irregularities ranged from the relatively innocent – misunderstandings regarding electoral procedures, the late opening of polling sites or voters conferring in the polling booths – to the more intrusive, which included display of campaign material near polling centres, underage voting, small scale proxy voting and partial behaviour by staff of the Independent Electoral Commission (IEC) or candidate agents. There have been reports from all over the country of polling staff "helping" illiterate voters by pointing them to the wrong candidate or encouraging/pressuring voters to vote for a certain candidate.

The varying quality of the indelible ink and the outright poor quality of the puncher pliers in large parts of the country meant that the main two safeguards against multiple voting (inked fingers and punched voter cards) did not reliably work. This made the repeated assurances of effective anti-fraud measures sound rather hollow and caused a brief media stir, led by presidential candidate Bashardost. There are however no indications that the failure was an intended manipulation or that it had a major impact on the election outcome. It will have led to individuals voting more than once, but for the major fraud that took place the failure of ink and punchers was largely immaterial. It did however further undermine confidence in the process, particularly given the earlier ink controversies during the 2004 and 2005 elections.²

² The indelible ink failed famously during the 2004 elections, due to confusion over the various kinds of marker pens that were to be used in the process. In 2005 there were consistent reports that the ink could be removed with certain chemicals. These reports resurfaced during the 2009 elections.

3. MULTIPLE AND PROXY VOTING

A much bigger problem was the fact that, regardless of the ink and the pliers, the vote in general was wide open to multiple and proxy voting. The much touted mitigating measures did very little to rectify this, as in many cases and in many areas electoral staff had been persuaded, forced, bought or co-opted to allow wholesale voting. This was facilitated by the ease with which large numbers of voter cards could be acquired, through contacts within the IEC or under the pretext of registering female members of an extremely extended family – often simply by handing in lists of random female names. The existence of large numbers of "phantom female voters" and the sale or theft of blank voter cards (sometimes even whole books of registration forms) means that it is by now impossible to know how many of the 17 million voter cards in circulation represent an actual voter.³

What observers of the process do not always understand, is that multiple and proxy voting is not just a matter of a large number of single individuals being allowed to vote two or three times. The Afghan version of multiple and proxy voting in parts of the country has increasingly become a hunt for as many voter card numbers as you can find, in order to be able to cover up ballot stuffing. In many cases this has been a collective exercise, either based on a *shura* or *jirga* decision to support a certain candidate (as was often the case in the southeast) or organised by commander-based and often government-linked networks (as was for instance the case in the south).⁴

Afghans involved in the process have described how in the run-up to the elections large numbers of voter cards were bought and sold, taken from villagers (telling them that they would receive aid or that someone else would vote for them) or simply photocopied. In other cases numbers were

³ To bolster female registration figures women were not required to provide a picture or even be present during voter registration. This has led to a widespread registration of "phantom female voters" (which is still regularly and incorrectly presented as an achievement in the field of women's participation). For details and figures on over-registration and "ghost female voters" see Martine van Bijlert, *How to Win an Afghan Election. Perceptions and Practices*, AAN Thematic Report 02/2009, August 2009, 19-21.

⁴ Traditions of collective decision-making may be changing, as illustrated by the surprisingly high number of votes cast for Hazara candidate Bashardost in large parts of the country.

made up at the polling station after the ballot stuffing had taken place. Although the gathering of voter card numbers suggests that in many cases attempts were made to cover up the manipulations, in some cases the fraud was so blatant and large scale that it actually seemed intended to communicate to the population who is really in charge – as was the case in some of the examples discussed below.

The casting of many votes based on long lists of voter numbers requires the complicity of IEC staff (sometimes under pressure) or the handing-over or selling of election material to non-IEC staff. Both types of instances have been widely reported on. Local IEC staff members have also proactively offered their services to candidates and their campaign staff. There are multiple reports of candidates being approached by IEC staff or their family members offering votes in exchange for money – before, during and after polling.

4. LARGE SCALE MANIPULATION

The scale and level of organisation of the ballot-stuffing has varied. Three levels can roughly be distinguished: (1) local initiatives, which were limited in range and often benefited a variety of candidates – sometimes even within a single polling station, with different staff members simultaneously "voting" for different candidates; (2) semi-organised activities involving local commander networks, security forces and/or government officials, aimed at co-opting as many polling centres in their areas of influence as possible; and (3) the highly organised operations, as witnessed in some of the provinces in the south and southeast, by networks that may span multiple districts or even provinces and that have sought to practically monopolise the vote.

Two examples of highly organised attempts to determine the outcome of the vote (there are many more) have been the cases of Spin Boldak in Kandahar and of the Pashtun districts in Ghazni.⁵ The large scale manipulation in both provinces, as in many others, was facilitated by the absence of observers and, to a large extent, voters.

The operation in Spin Boldak was coordinated by the provincial head of the border police, who had reportedly vowed to deliver the vote in the six

⁵ This section is based on multiple and detailed accounts from voters, candidate agents and IEC staff members from both provinces.

border districts under his responsibility.⁶ On the night before the elections a large number of ballot boxes was taken to his compound, where IEC staff members were made to fill them with ballots marked in favour of the incumbent and a number of selected provincial candidates. The full ballot boxes were delivered to the polling stations the next morning. Polling staff was obviously aware that this was against procedures, but felt unable to protest. Voters who turned up were registered, but did not necessarily receive a ballot paper. The boxes of the polling stations where voting did take place were gathered at the end of the day – in most cases unlocked – and returned to the commander's compound, where ballots cast in favour of rival candidates were reportedly removed (presidential candidate Mirwais Yassini carries around two bags full of torn-up ballots cast in his favour).⁷

Similar patterns occurred in the other border districts: ballot boxes were delivered to the district centres by the border police and were returned to the warehouse after polling day, full, often without having left the compound. There were additional reports of intimidation before and during polling ("whoever does not vote for Karzai will get beaten and sent to Guantanamo") and provincial council candidates who had linked themselves to rival presidential candidates were approached with a mix of threats and promises to persuade them to join the pro-incumbent network.

In Ghazni, as in many other insecure areas, the main feature of the exercise was the pretence that almost all polling stations had opened on polling day. During the 2005 election Ghazni had 405 polling centres; in 2009 368 polling centres were reported to have been open for business. This is an implausible figure, given the seriously deteriorated security situation and the fact that most of the province's Pashtun districts and the roads connecting them are practically out of government control (with the exception of the district centres and their direct perimeters).⁸ Many ballot boxes

⁶ The districts include Spin Boldak, Maruf, Takhtepol, Shorawak, Registan and Arghistan.

⁷ There are multiple reports that suggest that the ballot boxes from these areas have been returned with incomplete lists of voter card numbers, although attempts were made during and after polling day to complement the incomplete lists.

⁸ Sources: 2005 JEMB polling centre master list and a 2009 spreadsheet providing the number of open polling stations per province (without detailing them), suggesting that in Ghazni 368 of the planned 372 centres had been open on election day.

never reached the intended polling locations and were instead kept in district governors' compounds, the governor's guesthouse or the barracks of a local security company, where they were filled with ballots in favour of Karzai and again a number of selected provincial council candidates. The ballot-stuffing was at least in part backed up by large numbers of voter cards, particularly for female voters, that were acquired during the 2009 voter registration update.⁹

An example of the nature of semi-organised ballot-stuffing is provided by the various scuffles that were reported in the districts of Baghlan. These included: ballot boxes that were left to be counted the next day and that were then found stuffed in favour of one candidate (the IEC staff had apparently said that the boxes did not need to be locked until the count was completed); ballot boxes that were taken to "safety" by the police during the day and were returned full in the evening; local commanders entering the polling station and casting a large number of pre-filled ballot papers; ballot boxes that were taken away for a few hours after closing time and returned with altered contents (observers insisting that the count take place immediately were reportedly beaten); and manipulation of the content of the ballot boxes during storage and transport. Various provincial council candidates linked to either the Abdullah or the Karzai campaign, have accused each other of paying local troublemakers to orchestrate violence in order to facilitate ballot-stuffing. As the level of control of local commanders over the local population seemed less absolute here, greater effort seems to have been put into inserting supporters into the IEC.

Similar practises were reported from other provinces. In Paktia province ballot boxes were delivered to private houses of locally influential people, including some provincial council candidates, and filled during the night before election day. In Ahmadkhel district an insurgents' attack was simulated and the absence of IEC staff was used by the police guards to fill the ballot boxes. In neighbouring Khost province there was a "phantom polling centre", where ballot boxes had been filled with votes that were said to be coming

from Qalandar – a district which is fully out of government control.¹⁰

5. ALL CANDIDATES?

One of the questions is now how widespread and how evenly-spread among the candidates the manipulations have been. The available information indicates that at least some supporters of all candidates have tried to use the opportunities they had to influence the outcome of the elections, but that there were huge differences in opportunities and in level of organisation. These mainly concerned differences in access to money, means of violence and control over the local electoral, government and security apparatus.

Karzai's supporters, which often included government and security officials, were by far in the best position to engage in organised and large-scale manipulation. Reports from the provinces indicate that in many cases their efforts have led to highly implausible local results, as was the case in Spin Boldak and Ghazni. Abdullah's supporters seem to have mainly relied on local commander networks, local cooptation of the IEC and the distribution of money, allowing for semi-organised manipulation. This will have impacted on local results, but to a lesser extent than efforts by the Karzai-linked networks. The supporters of other candidates will have largely had to rely on local or personal initiatives (individual multiple voting, small scale ballot-stuffing, wrongly guiding voters) and possibly semi-organised manipulation in places where a whole community or tribe decided to support a single candidate.

6. CONCLUDING REMARKS

Although fraud in its differing variations has been widespread, the main question that the Electoral Complaints Commission (ECC) is now faced with is how to respond to the highly organised manipulation by government officials and security networks. It is unclear whether the ECC's mandate and mechanisms will be sufficiently strong to deal with the scope and scale of the irregularities. It is also not clear to what extent the ECC will be able to withstand the political pressures involved and whether it can be overruled by the IEC. It is however clear that if the most blatant manipulations are not publicly dealt with, the

⁹ The 2008-9 voter registration update in Ghazni added 158,000 registered voters, bringing the total to around 908,000 – half of which are allegedly women. This is a very high figure. The province's estimated population in 2004 was around 915,000 (source: Central Statistics Office, 2004).

¹⁰ See for more details "AAN Election Blog No. 24: Stuffing and Counting in Paktia", <http://www.aan-afghanistan.org/index.asp?id=269>.

population will become more cynical and disaffected, while local government-linked power holders will have received the message that they can act with impunity, as long as they deliver what is requested of them.

This is obviously not just an electoral issue. Therefore, if the ECC proves unable to decisively act and if IEC decisions do not lead to a transparent and somewhat legitimate outcome, the main international actors will need to act. They will need to clearly communicate – to the Afghan population and to the Afghan government – that they cannot accept as a partner a government that is blatantly partial and in disregard of basic laws and principles. The consequences of this position will need to be fleshed out in a series of frank and probably heated discussions with the new government – many of which are long overdue.

As it is unlikely – even in the best case scenarios – that the IEC will present an election outcome that is unambiguous and widely accepted, the most likely solution will be some kind of negotiated settlement. This does not necessarily imply the formation of a coalition government, but it does mean that the suggested solutions must be acceptable to the various stakeholders and that they should not be seen to disproportionately reward those that have discredited the process. The objective of such a settlement should be the restoration of government legitimacy, rather than just the prevention of civil or ethnic unrest – particularly as there has been little indication to date that this may be imminent. Failing this, the new government and its establishment threatens to be a repeat of past mistakes, and worse.

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