

جمهوری اسلامی افغانستان  
کمیسیون شکایات انتخاباتی



د افغانستان اسلامي جمهوریت  
د انتخاباتي شکایتونو کمیسیون

Islamic Republic of Afghanistan  
Electoral Complaints Commission

ECC-09-037

4 November 2009

Dr. Azizullah Ludin

Chairman, Independent Election Commission

Jalalabad Road, Kabul

Dear Dr. Ludin,

The Electoral Complaints Commission (ECC) notes that the Independent Election Commission (IEC) has published the results of the first round of the Presidential election and states that Presidential candidate Hamid Karzai received 49.67 percent of the final vote, among the percentage totals published for all candidates.

The ECC has received information from observer groups that have made calculations as to the number of votes that must be invalidated according to the ECC's decisions of 18 October based on the IEC's published preliminary results. According to their accounts, the percentage of votes for candidate Karzai is approximately 48.3 percent. The ECC has made its own calculations based on the IEC's preliminary results data and reaches the same conclusion.

The ECC is concerned about the discrepancy between the IEC's calculations and those that have been calculated by observer groups and the ECC, and requests a clarification of how the IEC made its calculations in light of the ECC's 18 October decisions and applicable orders regarding complaints about the Presidential election.

In particular, the ECC notes that in the published table of "Presidential Candidate Votes" on the IEC website, the number of "votes from stations not covered by complaints/audits" matches closely the IEC's previously published preliminary results and the ECC's invalidation decisions. However, after applying the coefficients mandated by the ECC's order to those totals, the resulting "votes from stations in the universe" is more than 200,000 votes higher than the result would be if the ECC's coefficients were applied. The ECC notes that most of the difference -- 154,000 votes -- is accounted for by an unexplained increased number of votes counted for candidate Karzai.

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The ECC is also unclear how the number of votes added to the final count from the quarantine was calculated. The ECC notes that any station entering the final count from the quarantine – or any other station not included in the final Preliminary Result – is first subject to the ECC's Order of 8 September 2009 and that the relevant coefficients must be applied.

The ECC therefore requests a full explanation of how the IEC calculated its final result with respect to the application of the coefficients of fraud to the universes of suspect ballots and to the quarantined stations. Specifically, the ECC requests a declaration by the IEC stating (i) how many votes it calculates each candidate received in each of the six "universes" defined in the audit and recount process; (ii) the exact coefficient the IEC applied to each of the six universes; and (iii) the polling station number and number of votes for each station that was included into the final count that were not part of the published preliminary results (including the IEC's "quarantined" stations and any other stations that may have been added to the count).

The ECC reminds the IEC that according to the Electoral Law, the ECC decisions of 18 October relating to Priority A cases, IEC quarantine cases, and the audit and recount process must be fully and accurately implemented before final results may be legally certified by the IEC.

With best regards,

Grant Kippen

Chairman

Electoral Complaints Commission