



18 October 2009

Dr. Azizullah Ludin
Chairman
Independent Election Commission of Afghanistan
IEC Compound, Jalalabad Road,
Kabul, Afghanistan

Dear Dr. Ludin,

The Electoral Complaints Commission (ECC) issued an Order on 8 September 2009 that called for an audit and recount of all polling stations that met certain criteria regarding vote tallies for the Presidential election that were highly suspicious of fraud. You informed us that more than 3000 polling stations were affected by this order.

Taking into consideration the time it would take to perform a full audit and recount of this number of stations, the ECC and IEC agreed that a statistically sound sampling methodology would be used to determine the extent of fraud that exists in the polling stations covered by the ECC order and the effect that would have on the election results.

In accordance with this agreement, the ECC and IEC agreed on procedures for choosing an appropriate sample of affected polling stations; retrieving ballot boxes from the field; and conducting the audit itself. The ECC also adopted its Policy on Audit and Recount, which set out the specific methodology it would use to evaluate information gathered in the audit and detailed how it would calculate the effect that fraud discovered during the audit would have on the electoral results.

In accordance with the agreed sample and audit methodology, the ECC divided the polling stations covered by its order into six categories, each represented by its own sample containing roughly ten percent of the ballot papers of the corresponding category. These six categories have unique definitions and are analyzed separately. The ECC has therefore taken six separate decisions regarding the proportion of fraud in a given category of polling stations.

After careful consideration of all the information provided in the audit of sampled polling stations, in addition to any other relevant information, the ECC has taken a number of decisions with respect to whether a polling station has clear and convincing evidence of ballot stuffing fraud or not. These decisions are indicated in the attached Annex A.

The ECC notes that in some cases polling stations identified in a sample were not available for audit, and a substitute station from the same polling center was used, provided that the results from that station met the same criteria as the missing ballot box. In other cases, polling stations were not found and no substitute station was available. These polling stations were then taken out of the sample and were not considered in the ECC's calculations.

After taking decisions on whether ballot boxes were fraudulent or not, the ECC calculated a "coefficient of fraud", which is determined by dividing the total number of valid votes in the fraudulent boxes of each sample by the total number of valid votes in the entire sample. The ECC calculated these coefficients as follows:

Category	Coefficient of Fraud
A1	72.857%
A2	72.310%
B1	81.269%
B2	53.264%
C1	96.272%
C2	71.530%

The ECC therefore ORDERS the IEC to apply the above coefficients to each candidate's vote totals in each of the corresponding categories. The product of this calculation shall be the amount of votes that must be invalidated in each candidate's vote total. Details of this calculation are found in the ECC's explanatory note on its Policy on Audit and Recount 2009. The ECC orders the IEC to revise the preliminary results accordingly before the results of the Presidential election may be certified, in accordance with Articles 49 and 53 of the Electoral law.

Please note that two other decisions are being communicated to you with respect to the certification of results, which must be implemented before certification may occur.

With best regards,



Grant Kippen
Chairman
Electoral Complaints Commission

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