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### Совет по правам человека

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**Поощрение и защита всех прав человека,  
гражданских, политических, экономических,  
социальных и культурных прав,  
включая право на развитие**

### **Доклад Специального докладчика по вопросу о внесудебных казнях, казнях без надлежащего судебного разбирательства и произвольных казнях Филиппа Алстона\***

Добавление

### **Насилие и убийства, связанные с проведением выборов\*\***

#### *Резюме*

В настоящем докладе на основании личного опыта Специального докладчика и глубокого исследования рассматривается широко распространенный, но недостаточно изученный феномен убийств, связанных с выборами. В докладе дается определение убийств, связанных с выборами, основанное на подробном изучении соответствующей судебной практики, содержащейся в добавлении, описаны скудные научные исследования по вопросу о связанном с проведением выборов насилии и приведен обзор виновных в совершении преступлений, жертв, сроков, мотивов, методов и последствий убийств, связанных с выборами. В докладе также анализируются наиболее распространенные виды таких убийств, рассматривается подход наблюдателей за выборами, и в заключении даются конкретные рекомендации.

\* Представляется с опозданием.

\*\* Резюме настоящего доклада распространяется на всех официальных языках. Сам доклад, содержащийся в приложении к резюме, распространяется только на том языке, на котором он был представлен. Учитывая, что доклад значительно превышает ограничение по количеству страниц, налагаемое соответствующими резолюциями Генеральной Ассамблеи, добавление и концевые сноски воспроизводятся в том виде, в котором были получены.

## Annex

### Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions

#### Election-related violence and killings

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## **I. Introduction**

1. In the present report, the Special Rapporteur on extrajudicial, summary or arbitrary executions examines the widespread, but understudied, phenomenon of election-related killings. He draws upon his extensive first-hand experience in investigating and reporting on killings around the world, as well as upon extensive research undertaken specifically for this purpose.

2. Election-related killings violate not only the right to life but also the right to participate in the democratic process, as well as a range of other human rights. They have featured prominently in the Special Rapporteur's country fact-finding missions, his communications to Governments and regular monitoring work. Such killings have occurred on a large scale in many of the countries to which the Special Rapporteur has carried out fact-finding missions, including Afghanistan, the Democratic Republic of the Congo, Kenya, Nigeria and the Philippines. Prominent recent incidents include the massacre in the Philippines, in November 2009, of 57 relatives and supporters of a gubernatorial candidate by a rival candidate's private militia; the death of at least 1,113 civilians in post-election December 2007–January 2008 protests in Kenya; and the killing of protesters by police and militia forces in the Islamic Republic of Iran following contested elections in June 2009.

3. Reports by human rights and election monitors, as well as the Special Rapporteur's country reports, provide an important analysis of election-related killings in a wide range of countries. The appendix contains a summary of the most relevant case studies that have arisen, especially over the past three years. There has, however, been little cross-national research. Detailed typologies of election-related killings have not been set out, and the dynamics of the main forms of such killings across the world have not been closely analysed. As a subject of academic study, "election-related killings" barely exist, although the broader subject of election-related violence has experienced important recent growth.

4. In part II of the report, the Special Rapporteur proposes a working definition of election-related killings. In part III, he surveys the limited academic research on election-related violence and reviews the main areas of focus and findings of the field. Drawing upon the country case studies in the appendix in part IV he sets out his general findings on the perpetrators, victims, timing, motive, methods and effects of election killings. In part V, he then analyses the most significant types of election killings: killings by security forces during election protests; killings by insurgents; killings of political candidates; killings of supporters of a rival candidate or party; rival supporter-on-supporter killings; and the State's use of the death penalty. In part VI, he examines election monitoring reports and guidelines, which need to be strengthened in terms of their coverage of election violence. The Special Rapporteur concludes the report with general findings and recommendations.

5. The Special Rapporteur is grateful to Sarah Knuckey, Director of the Project on Extrajudicial Executions at the Center for Human Rights and Global Justice, New York University School of Law, for her superb work in the preparation of the report. He is also grateful for country research prepared by Wade McMullen, Anna de Courcy Wheeler, Rupert Watters, Hina Shamsi, Nishant Kumar and Danielle Mourabak.

## **II. Defining election-related killings**

6. There is no accepted definition of "election-related killings". Closely related definitions of electoral violence, however, prove useful in analysing the scope of election killings by illuminating common elements and in pointing towards a working definition.

7. Many definitions of election violence rely strongly on an intent or motive element. In these definitions, violence is “election violence” if it is carried out with the intent to influence the election in some way. Höglund, for example, notes that:

In essence, electoral violence is separated from other forms of political violence by a combination of timing and motive. The time aspect relates to violence carried out during the election period. The objective of electoral violence is to influence the electoral process and in extension its outcome.<sup>1</sup>

Similarly, Laakso writes that:

Electoral violence by definition has to be seen as an activity motivated by an attempt to affect the results of the elections – either by manipulating the electoral procedures and participation or by contesting the legitimacy of the results.<sup>2</sup>

In one of the most influential and important global studies of electoral violence, Fischer defines electoral conflict and violence as: “any random or organized act to intimidate, physically harm, blackmail, or abuse a political stakeholder in seeking to determine, delay, or to otherwise influence an electoral process”.<sup>3</sup>

8. Haid concisely wrote that electoral violence is “violence employed to affect electoral outcomes”.<sup>4</sup> A comprehensive 2009 report by the United Nations Development Programme (UNDP) on elections and conflict, primarily authored by academic Timothy Sisk, defines election-related violence more broadly as “acts or threats or coercion, intimidation, or physical harm perpetrated to affect an electoral process or that arise in the context of electoral competition”.<sup>5</sup>

9. Much election-related violence is indeed motivated by a desire to influence the conduct or outcome of an election in some way, and definitions emphasizing or relying on intent capture many of the cases of killings that the Special Rapporteur has investigated. Such definitions would clearly encompass, for example, assassinations of a rival candidate, killings by insurgents designed to disrupt an election, or killings of citizens to intimidate voters to vote a particular way. However, the category of electoral killings also goes beyond those killings motivated by an intention to influence an election. This is particularly the case with killings in the context of riots or protests. While some protests may be intended to influence or change electoral outcomes, others are motivated by indignation, anger or disappointment with a result, and are not necessarily intended to change that result. This is even more so for killings in the context of protests. Killings between private citizens in the midst of protests may be better explained, for instance, by the complex dynamics of crowd behaviour or mob violence. More significantly, many killings during riots are committed by security forces while attempting to (legitimately or otherwise) pacify or end a protest. There are many types of such security force killings (e.g., intentional targeting of perceived enemies of a regime, identified by their presence at the protest, or the excessive use of force caused by failures in training on crowd control), but few are well captured by definitions that emphasize a motive to affect election results.

<sup>1</sup> Kristine Höglund, “Electoral violence in conflict-ridden societies: concepts, causes and consequences”, *Terrorism and Political Violence*, vol. 21, No. 3 (2009), p. 417.

<sup>2</sup> Liisa Laakso, “Insights into electoral violence in Africa”, in Matthias Basedau, Gero Erdmann and Andreas Mehler (eds.), *Votes, Money and Violence: Political Parties and Elections in Sub-Saharan Africa* (2007), pp. 227–228.

<sup>3</sup> Jeff Fischer, “Electoral conflict and violence: a strategy for study and prevention”, IFES white paper (2002), p. 1.

<sup>4</sup> Christopher Haid, “Explaining electoral violence: gunmen, garrisons and graft in Jamaican politics” (February 2010), working paper, p. 1.

<sup>5</sup> UNDP, *Elections and Conflict Prevention: A Guide to Analysis, Planning and Programming*, August 2009, p. 4.

10. A focus on the motivation also fails to clearly capture Government trials and executions of individuals for their election-related activities. Following the 2009 elections in the Islamic Republic of Iran, for example, individuals were charged, tried, convicted and sentenced to death for their involvement in post-election protests against the Government. These deaths were intimately linked to conduct during and after the elections and should thus be considered election-related killings.

11. Consequently, a more inclusive definition is in order. For the purposes of the present report, election-related killings may relate to election processes or outcomes. They include killings: (a) designed to influence, or to prevent attempts to influence, an election outcome; (b) that arise in the context of election processes; or (c) that seek to promote or hinder election-related activity.

### III. Review of academic research on election-related violence

12. Until recently, there has been little academic research on the specific subject of election violence. While there has been a tremendous amount of writing on elections generally, and on political violence generally, there has been little on the intersection of these two fields: election-related violence.<sup>6</sup> Research gaps that have been generally identified include work on the causes and effects of election violence, cross-national studies, efforts to understand the specific forms or variations of violence, work that is both theoretical and case-oriented, and research on the scope, gravity and timing of election violence.<sup>7</sup>

13. Scholarly work on the subject of election violence has grown significantly in recent years. The analysis that follows maps the concerns and findings of this growing field, in terms of the timing of election violence; the perpetrators of violence; the targets and victims; motives; method, means or form of violence; causes and enabling conditions; extent; and effects.<sup>8</sup>

<sup>6</sup> David C. Rapoport and Leonard Weinberg, "Elections and violence", in *The Democratic Experience and Political Violence* (2001), p. 15 ("No subject attracts political scientists more than elections do. Still, the intimate link with violence has scarcely been noticed [...]. Questions concerning why ballots create occasions for bullets and the relationship between violence-producing and violence-reducing propensities of elections are ignored."); Fischer, op. cit., p. 2 ("Past thinking at stemming electoral conflict and violence has been deficient because of the lack of a common framework for research and practice."); Kristine Höglund, op. cit., p. 413 ("[I]t is peculiar to note that electoral violence to a large extent remains an unmapped research field ... in terms of research on the causes and effects of electoral violence, much is yet to be done ... electoral violence deserves to be studied as a phenomenon in itself."); Kristine Höglund and Anton Piyarathne, "Paying the price for patronage: electoral violence in Sri Lanka", *Commonwealth and Comparative Politics*, vol. 47, No. 3 (2009), p. 287 ("While there is a large literature on elections, and an almost equally large literature on political violence, there are only a few studies addressing the election-violence nexus."); Lindsay Shorr Newman, "Electoral violence: whether and how terrorist attacks trend during the election cycle", 2010, (unpublished manuscript), p. 1 ("the shadow of violence that elections cast remains poorly understood. Existing work on electoral violence has been scarce and almost entirely theoretical ... or case-specific"); Bekoe, "Managing electoral conflict in Africa", 2010, (manuscript), p. 3 ("Only a few studies address electoral violence directly.").

<sup>7</sup> See e.g., Haid, note 4 above, pp. 1–4; Bekoe, note 6 above, p. 3; Newman, note 6 above, p. 1; Rapoport and Weinberg, note 6 above, p. 15; Höglund, note 1 above, p. 413.

<sup>8</sup> A number of the articles referred to here are works in progress or manuscripts not yet published. The Special Rapporteur is grateful to the authors for providing drafts of their research to him for the purposes of the present report.

## A. Timing

14. Election violence has often been classified as occurring in one of three phases: pre-election, on election day(s), or post-election.<sup>9</sup> Fischer has proposed a more detailed five-phase typology: during the voter registration process; during the campaign; on election day; when results are announced; and in what he calls “representation conflict”.<sup>10</sup> UNDP also proposes a more detailed election cycle division: 18 months to 3 months prior to election day; 3 months prior to election day; election day; the period between voting and the results announcement; and post-election.<sup>11</sup> Bekoe, in describing where tensions arise in the election process, notes that they can occur “when decisions are made about who possesses the right to vote; when and if one can exercise the right to vote; which candidates are eligible to represent particular groups; the integrity of the registry; the credibility of the results; or the process for filing grievances”.<sup>12</sup>

15. Many authors note that, while significant attention is often paid by election monitors and the media to election day, most violence actually occurs either before or after that day, and that the election day itself “often is remarkably peaceful”.<sup>13</sup> Many such statements have not, however, been empirically based. Thus, Bekoe makes an important contribution by examining fatalities in 110 national elections from 1990 to 2005 in Africa. She found that election day is the “least volatile stage in the three months before and three months following the election”.<sup>14</sup> She found that 11 per cent of fatalities (by stage) occurred on election day, 46 per cent pre-election, and 43 per cent post-election. She hypothesized that countries had an interest in keeping election day calm because of the attention the media and election monitors paid to it and the affect that negative publicity could have on foreign relations and aid.<sup>15</sup> Importantly, however, she notes that while election day was not the most violent stage, it was the “most violent day”.<sup>16</sup>

16. In another detailed study, Newman analysed over 5,000 terrorist attacks between 2000 and 2005, and found that, in general, “the frequency of terrorist attacks increases closer to the actual election date. This is true of both pre-election as well as post-election violence ... [and attacks are] almost evenly distributed before and after an election”.<sup>17</sup>

17. Some recent work has also begun to map the relationship between the stage of the election and the types and perpetrators of violence. UNDP, for instance, sets out in general terms the different types of violence that may occur in each of their five election phases.<sup>18</sup>

18. Country-specific case studies have also addressed the timing of election violence. In Patino and Velasco’s study of election violence in the Philippines, for example, they found that most violent incidents and deaths occurred during the campaign period, but that

<sup>9</sup> Höglund, *op. cit.*, p. 416; Höglund and Piyarathne, *op. cit.*, p. 289.

<sup>10</sup> Fischer, *op. cit.*, p. 10.

<sup>11</sup> UNDP, *op. cit.*, pp. 20–22.

<sup>12</sup> Bekoe, *op. cit.*, p. 11.

<sup>13</sup> Höglund, *op. cit.*, p. 416. See also Rapoport and Weinberg, *op. cit.*, p. 19 (“The violence often ceases when the voting begins”, and giving two examples from elections in East Timor and Zimbabwe); Laakso, *op. cit.*, p. 228 (“the actual polling, which is the most keenly monitored phase of the elections, is often the most peaceful period”).

<sup>14</sup> Bekoe, *op. cit.*, p. 10.

<sup>15</sup> *Ibid.*, pp. 10–11.

<sup>16</sup> *Ibid.*, p. 10, footnote 20.

<sup>17</sup> Newman, *op. cit.*, pp. 16–18.

<sup>18</sup> UNDP, *op. cit.*, pp. 20–22.

incidents also occurred before the campaign period, on election day and in the period embracing the processes of counting, canvassing and proclaiming results.<sup>19</sup>

## B. Perpetrators

19. General studies have identified the categories of the perpetrators of election violence. Höglund has noted that violence can be committed by “State actors (military and police), political parties, guerrilla/rebel groups, and militia and paramilitary groups.”<sup>20</sup> Similarly, Laakso notes that perpetrators might include Government forces (notably the police and army), supporters of either the Government or opposition groups, spontaneous demonstrators and even rebel organizations.<sup>21</sup> UNDP, in setting out an initial typology of actors, lists political parties and candidates; citizens; the State (police, army); non-State security forces (rebels, militias, vigilantes); and organizations of citizens.<sup>22</sup> Work has also examined the identity and interests of perpetrators in more detail in specific country case studies, including on Sri Lanka,<sup>23</sup> Zimbabwe<sup>24</sup> and the Philippines.<sup>25</sup>

20. A small amount of work draws broader conclusions about the type and extent of violence by particular perpetrators. Importantly, a number of writers have noted that much evidence suggests that political parties are frequently responsible for election violence.<sup>26</sup> In a largely theoretical study, Chaturvedi hypothesized that the party with “less initial political support will resort to more political violence”.<sup>27</sup>

21. In groundbreaking research on elections in Jamaica, Haid examines the relationships between politicians and criminal organizations, and how “variation in these organizations might affect the type, tenor, duration and effects” of election-related violence.<sup>28</sup>

## C. Targets and victims

22. Höglund, drawing upon Fischer’s analysis, concludes that the targets of election violence can be “electoral stakeholders (voters, candidates, election workers, media and monitors), electoral information (registration data, vote results, ballots, campaign material), electoral facilities (polling and counting stations), and electoral events (campaign rallies, travelling to a polling station)”.<sup>29</sup>

23. There is little detailed cross-national analysis of the targets and victims of electoral violence. With respect to electoral stakeholders or victims specifically, Rapoport and Weinberg give some cross-national examples of killings of political candidates, voters and

<sup>19</sup> Patrick Patino and Djourina Velasco, “Election violence in the Philippines”, Friedrich Ebert Stiftung, 2004 (finding, for example, in 1998, 7 deaths in the pre-election period, 53 in the campaign period, 9 on election day and 8 after election day).

<sup>20</sup> Höglund, op. cit., p. 416.

<sup>21</sup> Laakso, op. cit., p. 228.

<sup>22</sup> UNDP, op. cit., p. 13.

<sup>23</sup> Höglund and Piyaathne, op. cit.

<sup>24</sup> Norma Kriger, “ZANU(PF) strategies in general elections, 1980–2000: discourse and coercion”, *African Affairs*, vol. 104, No. 414, 2005.

<sup>25</sup> Patino and Velasco, op. cit.

<sup>26</sup> Rapoport and Weinberg, op. cit., p. 42. See also Höglund, op. cit., p. 416 (political parties have been “key organizers of electoral violence”).

<sup>27</sup> Ashish Chaturvedi, “Rigging elections with violence”, *Public Choice*, vol. 125, 2005, p. 190.

<sup>28</sup> Haid, op. cit., p. 5.

<sup>29</sup> Höglund, op. cit., p. 417. See also Fischer, op. cit., p. 9.



party workers.<sup>30</sup> Country case studies provide more detail on victims. In a study of post-election violence in Kenya, de Smedt provides detail on the targets of violence in the Kibera slum.<sup>31</sup> In Höglund and Piyaathne's detailed study on Sri Lanka, they found that many victims had been politically active during the election, and had themselves been involved in violence.<sup>32</sup> They also found that more victims had supported the opposition parties, and that "party activists belonging to the lower class — from either party — were victims of more serious violence than the local elites".<sup>33</sup> Robinson and Torvik, in a study of violence in Zimbabwe, hypothesized that much of the violence in elections there "was aimed not at the core supporters of Mugabe's opposition, but rather at the swing voters".<sup>34</sup> They reasoned that violence was a more effective strategy than attempting to give the swing voters "policy favours".<sup>35</sup>

## D. Motive

24. As explained above, motive is often one of the key factors differentiating election-related violence from other violence. Rapoport and Weinberg note that, "most of the time, violence is designed to influence elections by intimidating voters and striking candidates down. But violence can prevent an election from taking place or a victor from taking charge of the Government."<sup>36</sup> Similarly, Höglund and Piyaathne explain that violence can be used for a number of reasons: "to hinder people from voting, to prevent candidates from campaigning, to display discontent with election results, or to overturn the outcome of the election".<sup>37</sup> In setting out motives in a different form, Höglund writes that some "actors object to elections of any sort ... [others] try to prevent or postpone elections ... [others] want to influence the outcome of the election".<sup>38</sup> Violence may be used to "suppress opposition turnout or disrupt opponents' campaigns".<sup>39</sup>

25. Some research has specifically focused on the relationship between the motives for violence and vote buying. Kasara notes that Kenyan politicians may use election "violence as a substitute for political inducements, such as vote buying".<sup>40</sup> She found that politicians encouraged violence that changed the voter/ethnic composition of an area to "create winnable parliamentary seats".<sup>41</sup> In a detailed study of this phenomenon in Jamaica, Haid hypothesizes that:

The violence used to affect electoral outcomes may be viewed by a candidate as either substitutable for or complementary of clientistic vote buying ... Sometimes spending on violence is used instead of non-violent activities because it is believed

<sup>30</sup> Rapoport and Weinberg, op. cit., p. 19.

<sup>31</sup> Johan de Smedt, "'No Raila, no peace!' Big man politics and election violence at the Kibera grassroots", *African Affairs*, vol. 108, 2009, p. 581.

<sup>32</sup> Höglund and Piyaathne, op. cit., pp. 295–298.

<sup>33</sup> Ibid., p. 301.

<sup>34</sup> James A. Robinson and Ragnar Torvik, "The real swing voter's curse", National Bureau of Economic Research Working Paper, 2009, p. 1.

<sup>35</sup> Ibid.

<sup>36</sup> Rapoport and Weinberg, op. cit., p. 33.

<sup>37</sup> Höglund and Piyaathne, op. cit., p. 287.

<sup>38</sup> Höglund, op. cit., p. 415.

<sup>39</sup> Kimuli Kasara, "Electoral geography and conflict: examining the local-level incidence of violence in Kenya", 2010 (unpublished manuscript), p. 4.

<sup>40</sup> Ibid., p. 4.

<sup>41</sup> Ibid., p. 2.

that violent campaign activities will be more effective in ensuring victory than the same amount of resources spent on clientistic vote buying and patronage promises.<sup>42</sup>

26. Other work has focused on the motives of specific forms of violence, such as riots. Wilkinson and Haid, for example, in studying ethnic riots in India, found that politicians used them to “increase the salience of one ethnic dimension, and within that dimension one particular cleavage and category, so as to build a winning political coalition, split the opposition, and raise the turnout among their party’s core supporters”.<sup>43</sup>

## E. Method, means or form

27. The general forms of election violence have often been set out in various typologies: “riots, demonstrations, civil wars, terrorist campaigns, military coups, and assassinations”.<sup>44</sup> Fischer refers to “threats, verbal intimidation, hate speech, disinformation, physical assault, forced ‘protection’, blackmail, destruction of property, or assassination”.<sup>45</sup> UNDP notes that election violence can include “assassination of opponents or spontaneous fisticuffs between rival groups of supporters – and threats, coercion, and intimidation of opponents, voters or election officials”.<sup>46</sup> Haid notes that election-related violence can “involve rioting (permitted or instigated), looting (spontaneous or orchestrated), intimidation (of voters or campaigns), assassination (of candidates or their staffs), or direct partisan conflict (with irregular or regular forces)”.<sup>47</sup> In summarizing the types of electoral violence in the United Republic of Tanzania, Uganda and Kenya, Schwartz sets out the following forms: assault, murder, attempted murder, beatings, looting, arson, threats of violence, bombings, disruption of campaign rallies, torture, arbitrary detention, abduction, chasing away voters from polling stations, rape, hate speeches, closure of party offices.<sup>48</sup>

28. Country case studies often provide more detail on specific types of violence.<sup>49</sup> Very little research focuses on one specific form of election violence and studies it globally. Newman’s paper on terrorist acts is an important exception.<sup>50</sup>

## F. Extent

29. Several studies have sought to calculate the extent of election violence. In an oft-cited study, Fischer found that 24.5 per cent (14 of 57) of countries that held elections in 2001 experienced electoral violence.<sup>51</sup> Bekoe found that, of 110 elections in Africa from 1990–2005, 24.5 per cent (27 elections) were accompanied by election-related deaths.<sup>52</sup>

<sup>42</sup> Haid, *op. cit.*, p. 3.

<sup>43</sup> Steven Wilkinson and Christopher Haid, “Ethnic violence as campaign expenditure: riots, competition, and vote swings in India”, University of Chicago, 2009 (unpublished manuscript), p. 3.

<sup>44</sup> Rapoport and Weinberg, *op. cit.*, p. 33.

<sup>45</sup> Fischer, *op. cit.*, p. 8.

<sup>46</sup> UNDP, *op. cit.*, p. 4.

<sup>47</sup> Haid, *op. cit.*, p. 2.

<sup>48</sup> Roland Schwartz, “Political and electoral violence in East Africa”, Working Papers on Conflict Management No. 2, Freidrich Ebert Stiftung & Centre for Conflict Research, 2001, pp. 8–9.

<sup>49</sup> See for example de Smedt, *op. cit.*; and Höglund and Piyarathne, *op. cit.*, pp. 294–295.

<sup>50</sup> Newman, *op. cit.*

<sup>51</sup> Fischer, *op. cit.*, p. 11.

<sup>52</sup> Bekoe, *op. cit.*, p. 9 (She notes that this matches Fischer’s percentage).

## G. Causes and enabling conditions

30. Research has addressed causes or conditions of election violence in general terms, as well as in detail with respect to specific country case studies.

31. UNDP provides the longest list of potential causes, addressing specific factors related to context (e.g., ethnic rivalries), process, relationship factors, political factors (e.g., weak governance, lack of political party capacity), media (e.g., biased media), administrative inadequacies (e.g., inaccurate voter lists), corruption, and security and policing (they include four factors: “reactionary policing”, “police inaction to apprehend culprits”, “lack of capacity to investigate” and “availability of small arms”).<sup>53</sup> Höglund identifies various causes of election violence, including clientism and patrimonialism, elections taking place after conflict and where parties have not yet been fully demobilized, a culture of violence and impunity, the type of election, the electoral system design, and the nature of the election administration.<sup>54</sup>

32. In Schwartz’s work on the United Republic of Tanzania, Uganda and Kenya, he found that causes of violence included a lack of faith in the electoral commission or its independence; lack of awareness of the electoral process; political repression; forced disenfranchisement of opponents; poverty; lack of funding for the electoral process; and incitement.<sup>55</sup>

33. A study of the Philippines found that relevant factors included the monetary and other benefits of public office, which cause politicians and their supporters to kill rivals; the fact that public office allows politicians to “protect” their organized criminal activity (gambling, drugs, logging); long existing family/political rivalries; the widespread presence of private militias run by politicians; and the weakness of the State.<sup>56</sup> Work on violence in the Kibera slum in Kenya after the 2007 elections pointed to paternalism and “big man” politics, in combination with socio-economic factors and ethnic rivalries.<sup>57</sup> Another study of the same period found that “more violence occurred in locations that had a greater effect on the overall electoral competitiveness of a parliamentary constituency”.<sup>58</sup> Similarly, studies of Gujarat found that Hindu-Muslim riots were a planned element in a larger electoral strategy, and that they “broke out disproportionately in the most competitive seats”.<sup>59</sup> Bekoe’s study of elections in Africa found that the largest number of election-related deaths occurred in countries where ethnicity was politicized.<sup>60</sup>

34. Some studies have addressed the relationship between development or poverty and election violence. One such study noted that, while it is generally accepted that electoral violence is most linked to developing countries, most States have at some point experienced varying degrees of election violence.<sup>61</sup> In discussing this point further, Laakso explains the reasons why poverty may be a factor in election violence (e.g., the ease with which poor youth might be mobilized to violence), but shows that numerous poor countries have not experienced violence, and that others experiencing growth have had violence. She

<sup>53</sup> UNDP, op. cit., pp. 15–17.

<sup>54</sup> Höglund, op. cit., pp. 420–423.

<sup>55</sup> Schwartz, op. cit., pp. 9–10.

<sup>56</sup> Patino and Velasco, op. cit.; see also John Linantud, “Whither guns, goons, and gold? The decline of factional election violence in the Philippines”, *Contemporary South-east Asia*, vol. 20, No. 3, 1998.

<sup>57</sup> de Smedt, op. cit.

<sup>58</sup> Kasara, op. cit., p. 3.

<sup>59</sup> Wilkinson and Haid, op. cit., p. 2.

<sup>60</sup> Bekoe, op. cit., p. 12.

<sup>61</sup> Rapoport and Weinberg, op. cit., p. 42.

concludes that poverty is clearly a relevant factor, but “should not be seen as ... [a] sufficient cause for violence”.<sup>62</sup>

35. Some work has included analysis of whether the type of election (e.g., national, local, presidential or parliamentary) affects violence levels. In one study of elections in Africa, Bekoe did not find a difference in the presence of election-related deaths in different types of elections (comparing general, parliamentary, non-concurrent presidential and parliamentary).<sup>63</sup>

36. A major topic of analysis has been the relationship between the process of the election and violence. This includes manipulation or fraud in the electoral process, particularly in terms of rigging the outcome, and post-election violence. Violence is common following fraudulent elections in Africa.<sup>64</sup> UNDP posits that one of the “common understandings” about election violence is that, “those elections considered to be free, fair, and transparent are less likely to experience electoral violence than those where allegations of mismanagement or deliberate cheating are prevalent”.<sup>65</sup> In contrast, however, Laakso observes that “the elections that were declared free and fair by election observers were no less violent than elections that were not declared free and fair”.<sup>66</sup>

## H. Effects

37. Election-related violence clearly has immediate effects on individual and community rights and security, and can result in physical harm or death, and property damage. Beyond this, a number of studies have attempted to analyse the extent to which violence had broader affects, especially on democracy and participation in democracy.

38. Election violence can reduce voter turnout, affect voter registration, prevent candidates from running for office, increase divisions in society or even prevent or postpone an election from taking place at all.<sup>67</sup> A detailed study of the consequences of election violence in Sri Lanka concluded that “violence directly influenced political participation, voter turnout and voters’ mobility [and that] fear and frustration linger[ed] for years after the violence occurred”.<sup>68</sup> It found that individuals refrained from voting because of violence, and that party supporters went into hiding before and after the election.<sup>69</sup> A similarly detailed study of evidence from Gujarat found that Hindu-Muslim riots led to notable vote swings in later elections.<sup>70</sup>

39. UNDP notes that election violence can also hinder economic and other development: “incidents of violence undermine government legitimacy, scare away domestic foreign investors, and result in low levels of social trust”.<sup>71</sup>

<sup>62</sup> Laakso, op. cit., p. 229. See also Paul Collier, *Wars, Guns, and Votes: Democracy in Dangerous Places* (2009) (on the relationship between poor democracies and violence).

<sup>63</sup> Bekoe, op. cit.

<sup>64</sup> Mehler (ed.), op. cit., pp. 203 and 224.

<sup>65</sup> UNDP, op. cit., p. 3.

<sup>66</sup> Laakso, op. cit., p. 224.

<sup>67</sup> Höglund, op. cit., pp. 417–419.

<sup>68</sup> Höglund and Piyaathne, op. cit., p. 287.

<sup>69</sup> Ibid., p. 299.

<sup>70</sup> Wilkinson and Haid, op. cit., p. 2.

<sup>71</sup> UNDP, op. cit., p. 5.

## IV. Typology of election-related killings

40. The country studies in the appendix provide a basis for broader conclusions about the characteristics and features of election-related killings. The most common types of election-related killings are examined in detail below in part V. This section sets out typologies of election-related killings, providing cross-national detail on perpetrators, victims, motives, methods, locations, timing and effects.

### A. Identity of the perpetrator

41. The country case studies indicate that the perpetrators of election-related killings include:

- State security forces, including the regular police, specialized police units, army, intelligence or republican or presidential guards
- Armed non-State pro-Government actors, including paramilitaries, militias and gangs
- Armed non-State actors linked to or controlled by politicians or political parties, including militias, civilian armed forces, private armies, bodyguards and gangs
- Armed non-State anti-Government actors, including insurgents, terrorist groups, rebel groups, anti-Government elements or separatists
- Criminal gangs, especially groups involved in the trafficking of weapons or drugs and that often have a degree of territorial control
- Political leaders or political candidates, generally acting through armed State or non-State actors
- Civilian supporters of a political candidate or party

### B. Identity of the victim

42. The victims of election-related killings include:

- Political leaders or candidates
- Members or supporters of a political candidate or party
- Family members of political candidates or members of a political party
- Potential or actual voters for a rival party
- Political activists
- Protestors and demonstrators
- Journalists
- Human rights defenders
- Bystanders
- Witnesses to an election-related killing
- State security force members, police or military (domestic, foreign or international)
- Bodyguards or private armed forces of a political leader or candidate

### **C. Motive for the killing**

43. The following motives can be identified:

- To spread fear through the electorate to inhibit voting generally and thereby disrupt or discredit the electoral process
- To spread fear among political candidates generally, to prevent them from running for office
- To neutralize the political threat of a particular rival candidate
- To neutralize the threat of a rival party
- To spread fear among election officials to disrupt the electoral process
- To prevent potential voters from registering to vote
- To prevent supporters of a candidate or party from hanging political posters, distributing leaflets or participating in other political campaigning
- To pressure voters to vote for a particular candidate or party
- To punish perceived supporters or voters of a particular candidate or a party, or to punish them for voting at all
- To quell a public protest or prevent public political expression
- To physically steal ballots or disrupt ballot counting
- To force voters to leave a particular area
- To prevent a potential coup
- To punish a citizen for having participated in a political protest
- To strengthen organized criminal influence over political candidates or parties
- To prevent information about a fraudulent process or violence from being publicized
- To prevent election-related human rights fact-finding or advocacy
- To prevent a witness to violence from testifying

### **D. Method or means of killing**

44. Diverse means were employed, often depending on both the perpetrator and the motive:

- Most incidents involved victims being shot to death by security forces, militias or others with firearms, including handguns, rifles, shotguns and automatic weapons.
- In countries experiencing armed conflict or where there is an active insurgency or terrorist group, victims were often killed by the detonation of various explosive devices. Insurgents generally used improvised explosive devices, whether suicide, vehicle-borne or roadside devices; there was also some use of grenades and landmines.
- In other incidents, especially involving clashes between rival party supporters, victims were beaten, hacked, stabbed or burned to death.

## E. Location of killing

45. Election-related killings occur especially at election-related events or sites:
- Political rallies
  - Public or street demonstrations
  - Homes or offices of political candidates or party members
  - Political party offices
  - Sites of voter registration
  - Polling sites
  - On transport (cars, buses) to polling sites, voter registration sites or political rallies
  - Government buildings
  - Public places where citizens gather (for example, markets)

## F. Stage of the election

46. Killings occurred at all stages of the election cycle:
- **Pre-election.** Some killings occur even before an election date has been announced (e.g., when an election has been postponed, or during attempts to force a Government to hold an election). Killings also occur during voter registration and the political campaign period. The most common types of killings pre-election are killings of political rivals, killings by insurgents to disrupt the election process and killings of protestors by State forces.
  - **Election-day.** While numerous authors have noted that election-day itself can often be calm, this observation should not be overstated. The Special Rapporteur has recorded election-day killings in recent elections in Afghanistan, India, Indonesia, Iraq, Nepal and Pakistan. Election-day killings were especially experienced by countries experiencing an armed insurgency, and often occurred near voting sites.
  - **Election run-off.** Killings have been documented in the period between an initial election and a run-off to determine the winner in an allegedly close race. Such killings were often carried out to intimidate voters to influence voter preferences.
  - **Post-election.** Killings were committed before and after the announcement of election results, while votes were being counted and, in some cases, many months after the election. Common types of killings in this period include killings by State forces of post-election protestors; killings of voters by State forces, militias or insurgents to punish them for having voted for a rival or at all; and killings of witnesses to prevent them from testifying.

## G. Effect

47. The effects of the killings documented in the country case studies are difficult to analyse in detail owing to a lack of comprehensive country information. In addition to the obvious loss of life, the consequent harm to victims' families and community, and generalized insecurity, the following effects were observed:

- Withdrawal of candidacy by political candidates.

- Difficulty in recruiting election or polling staff.
- The closure of polling stations.
- Suspension of political party campaign rallies.
- Prevented or impeded political campaigning in certain areas.
- The postponement of elections.
- Reduced political activism.
- Reduced voter turnout, generally due to voter fear of retaliation. Women voters have sometimes been especially affected.
- Change in voter preferences or voting patterns.
- Population displacement.

## **V. Analysis of detention-related killings**

48. The section below provides detailed analysis of the most significant and common types of election-related killings.<sup>72</sup>

### **A. Killings by the security forces during election protests**

49. The experience of the Special Rapporteur indicates that one of the most frequent and important types of election killings are those by State security forces (generally police, but sometimes military) against demonstrators and bystanders in the context of election-related public demonstrations or protests.

50. Election-related protests are generally held shortly after the day of voting or after the election results are announced. Citizens are often protesting perceived electoral fraud and the announced election results. Such protests were held in early 2007 in the Democratic Republic of the Congo; in December 2007 to January 2008 in Kenya; in March 2008 in Armenia; in November 2008 in Nigeria; in July 2009 in Mongolia; and from June to December 2009 in the Islamic Republic of Iran. In some cases, protests have been directed at a Government that refused or postponed elections, or that broke pre-election promises, as occurred in February 2009 in Côte d'Ivoire, where an anti-Government protest was held after the Government again postponed elections delayed since 2005; and in September 2009 in Guinea, where a protest was held against the military junta, including against indications that the junta leader would break his pledge not to run in presidential elections. Through early 2010 in Thailand, protests were held in an attempt to force the Government to hold early elections.

51. Some protests are planned or strongly instigated by opposition politicians or political parties, while others are a relatively spontaneous reaction by voters to anger at electoral processes and outcomes. In most cases, protests were a combination of spontaneous citizen protest and organized political activity. In nearly all cases surveyed, the protestors were supporters of the party or leader not in Government or that lost an election. In some cases, supporters of both the Government and of the opposition protested and rioted, as witnessed in Kenya and Nigeria.

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<sup>72</sup> Each of the country examples or incidents referred to in this section come from the country survey summarized in the appendix.



52. Election protestors may be unarmed and peaceful, or they may be engaged in street riots involving significant property damage, or even violence against other civilians or security forces. In those cases, where supporters of both the Government and the opposition protested, there were high levels of civilian-on-civilian violence, often linked not only to political differences but also to existing religious or ethnic cleavages (see paras. 77–81 below).

53. The circumstances in which the lethal use of force by security forces is permitted are strictly circumscribed by international human rights law: the force must be necessary and proportionate to the threat posed, and intentional lethal force is only permitted where it is necessary to protect life.<sup>73</sup> Killings by security forces during a protest may be lawful responses to a violent individual or group in a crowd or protest; for example, where protestors are armed and threatening or involved in violence, it may be entirely appropriate for the police to respond with force to protect other citizens or themselves.

54. The Special Rapporteur's experience, however, indicates that there have been many instances of excessive or indiscriminate force by the security forces in violation of international law during their policing of an election-related protest. It is also clear that, when such killings occur, they can often take place in large numbers: in Kenya, at least 400 killed by police; in the Democratic Republic of the Congo, at least 100 killed by police and army; in Guinea, where an estimated 150 were killed by security forces, including by the presidential guard; in Nigeria, at least 90 killed by security forces; and in the Islamic Republic of Iran, where between 30 and 70 people were killed by police, revolutionary guard and Basij militia.

55. In almost all cases surveyed, victims were killed by being shot by the security forces; in a smaller number of cases, they were beaten or stabbed to death by the authorities. Many of the shootings were in circumstances where police opened fire on a crowd, and protestors were killed relatively indiscriminately. In some incidents, victims were individually targeted and shot at close range, or executed immediately following being detained.

56. Pre-election violence or election-day violence does not appear to be a good predictor of post-election violence of this type. In fact, in a number of the incidents studied, the pre-election and election-day stages were relatively calm (for example, as seen in Armenia, Kenya and Mongolia).

57. The causes and motives of the lethal shootings vary from case to case. In some cases, it is likely that the police lacked the appropriate use of force guidelines, training, experience and equipment to control the crowd lawfully and appropriately. Poor and violent policing of protests or riots is not limited to the election context, and is a common problem around the world, often caused by legal, technical, planning and training deficiencies. In such cases, the killings might be the result of excessive and unlawful force, but not necessarily politically motivated, nor part of a broader attempt to suppress political opposition and restrict freedom of expression. In these circumstances, the Government should immediately make clear public statements against the killings and commit to a full investigation. The Government, with international assistance where appropriate, should undertake an independent review of the events to determine the causes of the violence and necessary reforms. Investigations in such cases should aim to review the individual and structural causes or conditions for the killings in full, including whether the police use of force guidelines comply with the international law on the use of force; whether the police have any and appropriate plans for crowd-control situations; whether police have equipment and weapons appropriate for crowd control; the role of police intelligence;

<sup>73</sup> See A/61/311, paras. 33–45.

whether there were failures in the police command and control; and what orders were given to police. The Waki Commission in Kenya is a notable example of such an investigation, which carried out an in-depth inquiry of killings by police during post-election violence, and proposed a range of reforms to improve the ability of police to respond lawfully. Inquiries like the Waki Commission are unfortunately an all too rare occurrence.<sup>74</sup>

58. It is especially important in such cases that individual perpetrators, as well as any responsible commanding officers, be investigated and prosecuted. Police are often not held to account for unlawful killings during protests because of accountability deficiencies that affect investigations or prosecutions generally, such as a lack of independence in police internal affairs, poor policing oversight or corruption or resource issues in the criminal justice system.<sup>75</sup> The country may need to take special steps following security force killings during a protest to ensure that the police responsible are investigated, such as by creating a special task force or requesting the assistance of international investigators. Countering impunity for police abuses is a key step in deterring and reducing future abuses.

59. In other cases, as in the incidents examined in Guinea, the Democratic Republic of the Congo and the Islamic Republic of Iran, the killings are politically motivated: the security forces are closely controlled by political leaders, and are used to unlawfully suppress opposition movements or political expression. The security forces may be deployed, for example, to shut down even a peaceful political protest, and may use violence to do so. In extreme cases, the protests provide an opportunity for leaders to use the security forces to intentionally kill members or supporters of the political opposition. Particularly important in the context of politically motivated security force killings are those forces (especially elite units, or presidential or republican guards) which are either composed of individuals personally loyal to a leader or whose command structure is politicized. As a result, they can easily be used for personal or political purposes. It is very unlikely in these cases that training or technical reforms will, without significantly more, effectively reduce abuses by the security forces.

60. Reducing killings of this form depends almost entirely on whether external actors (e.g., donor countries, diplomats, the United Nations, regional organizations, international civil society) or internal actors (e.g., opposition leaders or parties, domestic civil society, the public) can successfully influence the political will of leaders in the short term (to inhibit their violent deployment of Government forces) and long term (to institute reforms to depoliticize the country's security forces). Depoliticization may require structural changes to recruitment processes for the particular security force, to encourage the development of a force that is broadly representative and not composed solely of those personally loyal to a leader. Often, the command structure of the force may need to be reformed so that the force (particularly where it is a republican guard) is integrated into the regular command structure of the army and not subject to the personal control of a political leader.

61. Where the killings are politically motivated, the Government should also be encouraged by the international community to set up an independent commission to review the incident. However, if there is political control over the security forces, generally it will be unlikely that an independent commission will be created by the Government or that its findings will be released or followed up by the Government. The international community may be able to push for its own independent commission, as occurred in Guinea following the "Bloody Monday" massacre.

62. In general terms, warning signs that killings by security forces of protestors may occur in the post-election period include:

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<sup>74</sup> See A/HRC/8/3.

<sup>75</sup> See A/HRC/14/24/Add.8.

- Evidence or history of electoral fraud
- The lack of viable electoral fraud dispute mechanisms
- A history of police unlawful force, especially in crowd control situations or against suspected “criminals”
- The lack of specific crowd-control police training, planning and appropriate weaponry
- Impunity for past police abuses and ineffective police accountability mechanisms
- Informal or formal control of the security forces by political leaders
- An active membership or supporter base for the candidate or party that lost the election owing to alleged fraud
- Candidate or party mobilization of public protests
- A tradition or culture of public political demonstrations

## **B. Killings by insurgents**

63. Election-related killings by insurgents or other rebel groups present an entirely different set of problems. A rebel group’s broad aims are to fundamentally change the structure of the State or the type of government, to oust the present Government or to create an autonomous region or separate State. In choosing to seek these outcomes through violence rather than through non-violent political means, they are generally opposed to elections as such. They do not view elections as a legitimate means to determine State authority, and they use the election period to undermine the Government and democratic processes; thus, their election-related actions are often directed towards spreading fear among voters, candidates, party supporters and election officials, disrupting and discrediting the electoral process or election day, and punishing voters. Before the March 2010 elections in Iraq, for instance, Al-Qaida in Iraq released a statement that the elections were “illicit” and that they would attempt to “prevent these elections” using “primarily military means”.

64. While violence by rebel groups occurs regardless of the presence of elections, their violence often increases during the election cycle. The elections held in Afghanistan in August 2009, for example, saw a marked increase in attacks by anti-Government elements, and suicide bombings and other attacks also increased in both Iraq and Pakistan before elections. Election-day was generally not peaceful in those countries studied with insurgent activity: for example, in Afghanistan, 31 civilians, including 11 election officials, as well as 29 security force members, were killed on the day of voting (20 August 2009); killings occurred on each of the five election days in India in April and May 2009; killings occurred in Papua, Indonesia, on its 9 April 2009 voting day; and at least 40 were killed on election day in the 2010 elections in Iraq.

65. Because the insurgent group’s intent is essentially to spread fear through the electorate, random and unpredictable election violence during the election cycle might often be expected. The case studies above provide examples of what appear to be random or entirely indiscriminate insurgent killings during the election cycle, and these are difficult to distinguish from insurgent violence more generally (e.g., roadside bombs killing civilians on their way to a wedding in Helmand, Afghanistan). The case studies do indicate, however, that election-related insurgent attacks often aim at particular election-related locations or categories of victim. Thus, for example, strikes have often taken place at polling stations and political rallies, or while individuals have travelled to or from election-related locations or events. They have often targeted political candidates, election officials

and party members or candidate campaigners. In Afghanistan, for example, candidates and their staff were especially targeted in the pre-election period; they were subjected to widespread intimidation and attacks at their homes, or attacks while travelling to or from election events. In Colombia, approximately half of the election-related killings were of political candidates; and before the February 2008 elections in Pakistan, attacks aimed at politicians and their campaign events were responsible for many deaths. In Indonesia, before the parliamentary elections on 9 April 2009, five politicians were assassinated, most likely by separatists.

66. Insurgents have also targeted voters or potential voters. Insurgents or rebel groups have often called for voters to boycott elections, as they did in Afghanistan, Colombia, India, Indonesia, Iraq and Spain. In numerous cases, citizens were warned of reprisals for voting. In Afghanistan, for example, the Taliban issued a letter to the public the week before the August 2009 elections, warning of reprisals for anyone who voted. Similarly, in Iraq, a militant group issued written warnings that they would kill voters; and before the April–May 2009 elections in India, the Naxalite insurgents threatened potential voters. There is not sufficient detail in many country reports to determine the extent to which voters were in fact subsequently killed for having voted, although on election day in Afghanistan, the Taliban hanged at least two people who had voted (indicated by their ink-stained fingers); and in West Bengal, India, in a presumed attack on voters, shortly after voting, a bomb attack resulted in one death.

67. Those working at polling sites, including election officials and security officials, are also prime targets of insurgent threats and violence. In April–May 2009 elections in India, Naxalites launched a number of attacks on polling places and officials, and 11 election officials were killed on election day in Afghanistan.

68. The methods employed by insurgents to attack (e.g., grenade attacks in the Philippines, a variety of improvised explosive devices in Afghanistan, Iraq and Pakistan, and landmines and other explosives in India) are often indiscriminate. Thus, while the attack may be nominally targeted at certain officials or locations, many civilians and bystanders have also been killed. In Pakistan, numerous explosions in the pre-election period resulted in extensive civilian casualties. Suicide bombers targeting Benazir Bhutto's convoy on the night of her return to Pakistan on 18 October 2007, missed her, but killed over 140 people, and an attack aimed at another candidate on 21 December 2007 killed at least 50 worshippers at a mosque.

69. The above types of election killings, because they occur in the context of broader conflict, are extraordinarily difficult to address specifically. However, given the often notable increase in insurgent killings during elections and their impact on candidates and voter turnout, significantly more attention needs to be given to how to minimize insurgent violence during election periods. In addition to the general counter-insurgency, peace process and security promoting measures taken in an attempt to resolve the underlying causes of conflict, or to reduce insurgency-related violence, some measures taken by Governments and the international community might include the following:

(a) Insurgent election-related killings are often targeted at places or individuals. Especially vulnerable are political candidates, election officials and election locations, including political rallies and polling sites. As the United Nations Commission into the Bhutto murder in Pakistan indicates, many deaths could be prevented if security measures were improved. Increased security should be focused on candidates and polling sites. Increased security should be planned not just for election day, but also especially in the pre-election period, and should continue into the post-election period where necessary;

(b) The United Nations and civil society groups should, where appropriate and feasible, maintain contact with insurgent groups through the election period, to discourage them from unlawfully targeting civilians and civilian locations;

(c) Insurgent threats, intimidation and violence towards potential voters can result in significant reductions in voter turnout, with grave negative effects on election legitimacy and on the development of democratic processes. In countries or areas where insurgents have called for boycotts and threatened violence against voters, more attention should be devoted to considering how voters can vote while minimizing retaliation. Voting practices that, for example, result in voters having semi-permanent marks on their bodies (e.g., ink stained fingers) allow insurgents to identify voters for punishment, and may be inappropriate in some contexts;

(d) Election monitors in countries experiencing insurgency operate in very difficult conditions. Special measures may need to be developed to allow them to safely (and anonymously) undertake their essential work during insurgencies or armed conflict, including by using informal networks of monitors and developing technology-based reporting.

### **C. Killings of political candidates (assassinations)**

70. Political candidates at all levels have been killed during election cycles, and particularly during the pre-election stage, for a range of reasons. Candidate killings have taken place as part of a general attempt to disrupt elections (e.g., assassinations by insurgents, discussed above, which form a large proportion of the number of candidate assassinations).

71. The assassinations have been carried out as part of an attempt to reduce the threat of a particular political party or to neutralize the threat of a specific rival candidate. Many killings of this type took place before State and federal elections in Nigeria in 2007. The killings were generally carried out by rival politicians' own armed groups, composed mainly of unemployed youths. Such private gangs or militias tend to be created and maintained a long time before the election itself. Many political parties and candidates mobilized such armed groups in Nigeria, especially the larger parties who had more available funding. Both before and during the election cycle, Governments should make concerted efforts to dismantle private armed groups and prosecute those responsible for participating in or forming them. State forces should also protect citizens from armed groups. While private militias carried out the killings in Nigeria, Nigerian police were often blamed for failing to protect victims from violence and for failing to hold perpetrators to account. Killings of political rivals also occurred before the 2007 elections in Guatemala, during the 2008 elections in Nepal, and were suspected to have occurred before the March 2010 elections in Iraq (although analysts found it difficult to verify motives). Where there is a history of violent political animosity between parties, some efforts to reduce violence have included codes of conduct negotiated and agreed to by the political parties. The State may also need to provide heightened security to candidates or key officials.

72. While killings of candidates are often carried out by rival candidates' private forces (militias, gangs, bodyguards or hired killers), State security forces have also been responsible for killings. After the April 2005 elections in Togo, the security forces targeted a number of opposition leaders; in 2008, in Zimbabwe, security forces and Government-aligned militias together killed rival candidates in an attempt to "dismantle" the opposition. The issues and reforms relevant to this type are similar to those discussed above with regard to the killings of protestors.

73. In some cases, the killings were part of an attempt by criminal organizations to exercise influence over candidates and policies. In Guatemala, for example, over 50 candidates and activists were killed in the run-up to the 2007 elections, many of whom seem likely to have been killed by organized criminal groups to increase their political influence.

#### **D. Killings of supporters of a rival candidate or party**

74. The supporters of a particular candidate or party have been frequent targets of election-violence, carried out generally by State security forces or the private armed groups of political leaders. Such killings generally take place in an environment of intimidation of supporters and potential voters of a rival party or candidate, and are generally carried out to persuade supporters to change political allegiances or to intimidate voters into voting for the party supported by the perpetrator.

75. State security forces have been responsible for large numbers of such killings. In the Democratic Republic of the Congo, for example, in March 2007, the army, the republican guard and other security forces were deployed to target presumed opposition supporters, and they arrested and killed many. The killings occurred after the President was elected and the opposition leader refused to give up his own security force. Similarly motivated killings were witnessed in February 2008, when the Government launched a heavily armed police operation against a rival political-religious group, killing between 100 and 200 people. In April 2005, in Togo, State security forces, together with militias, killed hundreds of individuals beginning on election day and in the days following. The killings were carried out as part of an attempt to rig the election results. In Zimbabwe, in the March and June 2008 elections, the Government used its security forces to kill hundreds of opposition voters in an attempt to force them to change their votes and to punish them for voting for the opposition party. These killings occur because the security forces are heavily politicized and thus are very similar to politically motivated killings by security forces in response to street demonstrations, discussed above. Security force training and other reforms aimed at professionalizing the forces are necessary but will be of little effect if the forces are not made independent of political leaders and if leaders are not pressured to stop violent deployments.

76. Killings of rival supporters have also been carried out by a candidate or party's private armed forces or hired killers. Besides killing rival candidates, politicians' private armed groups in Nigeria killed many rival party supporters. In an especially egregious example, in the Philippines, in November 2009, an incumbent politician's private militia massacred 57 civilians who were going to witness a candidate's registration. In one incident in Sri Lanka, gunmen on motorbikes opened fire on a bus of opposition candidate supporters on their way to a rally, killing a 60-year-old woman and injuring four others. In Guatemala, some activists were shot while distributing party leaflets, and other party members were found dead with campaign posters covering them. The country examples studied by the Special Rapporteur indicate that the circumstances that result in the highest levels of intimidation and killings by private actors of voters are where politicians or candidates control permanent or semi-permanent armed groups. As indicated above, the Government should take measures to dismantle these groups, and significant further research is needed on the most effective ways to do so.

#### **E. Rival party supporter-on-supporter killings**

77. The Special Rapporteur's experience and the country case studies indicate that rival supporters have also killed each other during elections. There are two broad types of

supporter killings: small fights between rival supporters, usually at an election-related site and that result in one or a small number of deaths; and large-scale clashes between rival supporters, generally following the release of disputed election results.

78. Small fights resulting in killings have occurred with some frequency in a range of election contexts, but supporter-on-supporter incidents generally result in a low number of killings. They are essentially one-on-one fights, or fights between small groups of rival supporters. Many do not appear to have been pre-planned, but appear to be the result of an argument or dispute that has escalated to murder. These incidents have often occurred on voting day, at a polling site, and they have also occurred at other election locations (e.g., campaign rallies). In Sri Lanka, for example, before the elections held on 26 January 2010, on 16 January, a Rajapaksa supporter was shot dead in a clash with Fonseka supporters. On 18 January, a Fonseka supporter was beaten to death while putting up Fonseka posters. In the third phase of the April–May 2009 elections in India, rival supporters fought in West Bengal, leaving 11 dead; in the fourth phase, 12 people were killed in fighting between rival parties (each party accused the other of inciting violence to prevent voting); in the fifth phase, fighting between rival parties led to one death in Tamil Nadu and another in West Bengal. On election day in Nepal, on 10 April 2008, one person was killed after fighting broke out between rival parties in Sunsari. Small-scale clashes resulting in deaths between rival party supporters were also reported in Pakistan.

79. When such killings occur, political leaders should immediately and publicly condemn them, and the perpetrators should be prosecuted. Where there is a history of such killings in a country, the security arrangements at key election sites should be reviewed and, where necessary, strengthened. Long-term measures to reduce supporter violence should be developed in countries with repeated violence.

80. Large-scale clashes between rivals are a very different phenomenon. Two of the most significant incidents were witnessed in Nigeria and Kenya. In Nigeria, the perception that a local election in November 2008 was rigged triggered clashes between the largely Christian supporters of one party, and the largely Muslim supporters of another party, resulting in the deaths of at least 700 people, most of whom were beaten to death by armed mobs. In Kenya, allegations of electoral fraud after the 2007 elections led to violence and riots resulting in at least 1,113 deaths. As indicated above, police were responsible for an estimated 405 deaths, but the remaining 700-plus victims were killed by fellow citizens. In the short term, violence of this order must be countered by the immediate deployment of well-trained police and, sometimes, military forces. Deployments are often slow to arrive, and the forces ill-equipped to deal with the violence. When such clashes occur, they may be triggered by the perception of election fraud, but they have deep, long-term causes, generally linked with religious-ethnic rivalries and perceptions of unfair distribution of resources. Addressing election violence in these contexts must thus be conceived as a part of long-term efforts with regard to, for example, land disputes, institution-building, civic education and conflict resolution.

81. While the violence may at first glance appear to be by private actors, the State may nevertheless play an important role. The violence may have been instigated or planned by senior officials, as the Kenya example indicates. In addition, the police, because of resource or training deficiencies, may be unable to meet to their international due diligence obligations to effectively prevent violence. Political or other bias by the police may result in failures to protect civilians from violence (by, for example, not intervening to prevent physical attacks, or by failing to arrest perpetrators). In Kenya, for example, the Waki Commission found that officials had failed to act on intelligence regarding violence and had failed to respond adequately to violence, and that police lacked discipline and impartiality.

## F. Death penalty

82. In one country studied (the Islamic Republic of Iran), evidence suggests that the death penalty was used in such a way that it should be classified as a form of election-related killing. To date, at least 10 death sentences have been handed down against post-election protestors on vague charges of *moharabeh*. In the months before and after the June 2009 elections, the Government executed significantly higher numbers of people than usual, in an apparent attempt to intimidate voters and protestors. International law is clear that the death penalty may only be applied as a penalty for the crime of intentional murder, and it can only be applied following a trial that observes all fair trial guarantees.<sup>76</sup>

## VI. Election monitoring and election-related violence

83. Monitoring and reporting on election-related violence often takes place as part of a much broader assessment undertaken by election monitoring organizations. Election monitoring reports provide information on whether an election was genuinely free and fair,<sup>77</sup> and thus typically address issues related to, for example, whether the State's election law complies with international standards; the conduct of the national election commission; candidate and voter registration processes; whether political parties could freely campaign; media freedom; ballot design and whether the voting process was fair; and the vote-counting process.

84. Country election monitoring reports cover election-related violence to widely varying degrees, and reporting on violence is sometimes very poor. Some reports significantly underreport violence incidents, especially violence in the pre- and post-election periods;<sup>78</sup> others provide general information but without the detail necessary to understand incidents or work towards their prevention. Other reports provide detailed charts or annexes of election violent incidents; the better reports analyse the raw data to provide general conclusions on perpetrators, causes and the like.

85. Poor coverage of violence in election-monitoring reports may be due in part to a lack of detailed guidance in election monitoring guidelines and handbooks. While most handbooks point to the importance of monitoring and reporting on election violence, little guidance is generally given on what information should be reported. The fifth edition of the Election Observation Handbook (2007) of the Organization for Security and Cooperation in Europe, for example, sets out to provide a thorough overview of election monitoring. It provides a number of references to the importance of violence-free elections, and requires observers to report incidents of violence, but does not provide further guidance. Similarly, the second edition of the European Commission's Handbook for European Union Election Observation (2008) provides detailed guidance on election monitoring, and repeatedly stresses the need for the mission to investigate and report on election violence, but it provides almost no guidance on how to do so. The Principles for Election Monitoring, Management and Observation in the SADC Region (2003) of the Electoral Institute of Southern Africa refer to the undesirability of election violence, but impose no specific reporting obligations. The Methods of Election Observation: A Manual for OAS Electoral

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<sup>76</sup> See A/HRC/4/20 and A/HRC/11/2/Add.5.

<sup>77</sup> For the international standards for a fair election, see the Compendium of International Standards for Elections, European Union, second ed., 2008.

<sup>78</sup> In one empirical study, Judith Kelley found that "pre-election violence is associated with greater levels of [election monitor] endorsements". Kelley explains that pre-election violence actually incentivizes monitors to dampen their criticism in the hopes of lessening post-election conflict; see Judith Kelley, "D-minus elections: the politics and norms of international election observation" (International Organization 63, 2009).



Observation Missions (2007) of the Organization of American States refers in general terms to monitoring incidents of violence. The African Union's Election Observation and Monitoring Guidelines sets out that "intimidation" and "human rights violations" should be monitored.

86. Where reporting on violence is poor, the effects of the violence, including on election legitimacy, election processes (e.g., voter participation, voting patterns and candidate behaviour) and election outcomes are very difficult to assess. Poor reporting also makes it difficult to understand the causes of the violence, which inhibits the ability of advocates, officials or the Government to propose and implement reforms to reduce violence at future elections.

87. Election monitoring reports should, where appropriate and feasible, cover election-related violence in detail. Ideally, each incident would be recorded and reported with information gathered on the circumstances, location, perpetrators, victims and motives. Reports should also provide a general analysis of incidents or patterns across the country. Detailed guidance on violence reporting could usefully be provided in election monitoring guidelines or handbook documents. Election monitoring organizations, together with other key actors involved in addressing election violence, should consider developing common criteria and standards for collecting and reporting on election violence.<sup>79</sup>

## VII. Conclusions and recommendations

88. **Election-related violence, including killing, is a widespread phenomenon that does not receive sufficient direct attention. The Human Rights Council should request the United Nations High Commissioner for Human Rights to present an annual report documenting such cases and the measures taken in response to protect human rights.**

89. **While election killings take place at the hands of a diverse array of actors, State responsibility remains central in many cases, such as when (a) State security forces themselves carry out the killings, which have often occurred at public demonstrations, or of rival party candidates, supporters or voters; (b) Government officials plan, direct or order private groups or militias to carry out killings; or (c) the Government fails to adequately protect citizens from non-State violence (e.g., the Government fails to disarm a candidate's private militia; the security forces fail to account for post-election violence).**

90. **In countries with a track record of election violence, Governments should draw up plans for dealing with such violence in the future in ways that are consistent with their human rights obligations. Too often, Governments respond as if they had no inkling that relatively predictable violence would in fact occur. While some of the details of such contingency planning will need to remain confidential, it is also essential that the authorities release enough detailed information in order to make it clear that serious planning has been undertaken, as well as to discourage those potentially violent forces who might otherwise assume there will be few obstacles to, and no consequences flowing from, their actions.**

91. **Impunity for election-related violence is widespread. Investigations and prosecutions are essential to reduce future violence. In countries with recurring**

<sup>79</sup> Guidance may usefully be developed in consultation with the International Foundation for Electoral Systems, which maintains the Election Violence and Education and Resolution Project, which has developed methodologies to gather, record, monitor, map and analyse election violence in the 11 countries it has thus far been active in, and maintains detailed databases.

election violence, the Government should consider setting up special police and prosecutor task forces to focus specifically on election-related murders and other crimes. Following extensive election violence, the Government, with international assistance where appropriate, should set up an independent commission with a mandate to comprehensively study the violence and propose the necessary reforms.

92. The international community must be prepared to offer more support in post-violence situations. Ideally, there would be a unit within the United Nations structure that would automatically offer assistance in all such cases. Furthermore, the progress and outcomes of national commissions should be closely followed by the international community.

93. The reality is, however, that, in the majority of situations in which heavily challenged election practices are followed by serious violence, the Government will be deeply implicated and unwilling under any circumstances to commission any sort of independent inquiry. The Secretary-General and the High Commissioner for Human Rights have a major responsibility to take appropriate action in such cases. The International Criminal Court may also have an important role to play in some situations.

94. Post-election demonstrations are one of the most frequent contexts of election killings. Before elections, police should receive crowd- and riot-control training, and be equipped with the appropriate equipment. The security forces should prepare plans in advance for policing the post-election period. In some cases, international police assistance may be appropriate.

95. Many killings of candidates or voters are the result of politicized security forces, controlled by political leaders and used for unlawful political purposes. In these cases, the international community should undertake to assist the Government to depoliticize its forces through long-term restructuring and training efforts.

96. Further research should examine the role played by presidential guards or equivalent forces whose loyalty is de facto to the President rather than the State and whose role in the context of elections seems generally unlikely to be conducive to the enjoyment of electoral and democratic freedoms. There is a legitimate question as to how a leader in an unstable society can legitimately protect himself and his Government short of achieving comprehensive reform of the entire armed forces. But the electoral implications of such arrangements need to be better understood and measures put in place to diminish the likelihood of the presidential guard playing an abusive role.

97. In countries where candidates or political leaders control private armed groups, significant efforts need to be taken to research those links and to dismantle the groups before and during elections.

98. It is important that election monitoring include detailed information on election violence, including violence that occurs in the pre- and post-election phases. Accurate and comprehensive reporting is essential to prevent the recurrence of violence during an election, permits rapid responses to violent incidents, promotes accountability and aids in understanding election dynamics.

99. Common criteria and standards should be developed to guide election violence monitoring and reporting.

100. There is a great need for focused, in-depth research in the area of election-related violence. This includes research on the various types of human rights abuses committed during election periods, including killings, torture, arbitrary detention,

sexual violence and forced displacement. Research is also especially needed on the causes and effects of election violence, which are significantly understudied.

101. Election monitoring is a relatively recent phenomenon which came of age only at the end of the Cold War. Although it has gained a remarkable degree of acceptance, it inevitably remains a highly sensitive issue for Governments struggling to stay in power. Assertions of interference in sovereignty are thus never far beneath the surface. Nevertheless, it is essential that election monitors move systematically beyond a focus on the formal structures of elections and election-day monitoring. It should be understood that an election is not free or fair unless the authorities can show that they have done all within their power to minimize and respond to election-related violence. For its part, the human rights community also needs to pay more attention to elections per se, rather than focus primarily on specific incidents of violence.

## Appendix

### Survey of election-related killings around the world

1. In order to understand and analyse the phenomenon of election-related killings, the Special Rapporteur carried out detailed research on selected countries that experienced election violence during the last five years, with a particular focus on the period since 2007.<sup>1</sup> In 2008, reports of killings were documented in nearly 20 per cent of countries that held elections that year.<sup>2</sup>

2. The results of the case study research are summarized below, and include detail on election killings in: Afghanistan, Armenia, Bangladesh, Cambodia, Colombia, Côte d'Ivoire, Democratic Republic of the Congo, the Dominican Republic, Ethiopia, Guatemala, Guinea, India, Indonesia, Iran, Iraq, Kenya, Moldova, Mongolia, Nepal, Nigeria, Pakistan, the Philippines, Spain, Sri Lanka, Thailand, Togo and Zimbabwe.

#### Afghanistan

3. Leading up to Afghanistan's 20 August 2009 elections, the country saw a marked increase in violent attacks by Anti-Government Elements (AGEs) in what analysts have described as an attempt to disrupt the elections by creating a climate of fear and insecurity by intimidating voters, candidates and election officials.<sup>3</sup>

4. Killings were one of several tactics employed by insurgents, including kidnappings, threats, and setting up illegal checkpoints.<sup>4</sup> Two weeks before the election, there were on average 32 violent attacks per day, rising to 48 attacks per day in the four days before election day.<sup>5</sup> Examples of attacks include a 5 August roadside bomb in Helmand province, which killed five civilians on their way to a wedding, and a 6 August explosion which killed five policemen.<sup>6</sup> The Taliban issued a letter to the public on 18 August, explicitly warning of reprisals for those who voted.

5. Candidates and their campaign staff bore the brunt of direct attacks leading up to election day. On 1 August, a Provincial Council candidate was attacked in Laghman

<sup>1</sup> The research was based on United Nations reports, human rights and election monitoring organization reports, Government accounts, and media reports. For some countries, including Kenya and the Democratic Republic of the Congo, information is also based on the Special Rapporteur's on-site field investigations. The survey summarized here includes most, but not all, of the countries that experienced election-related killings in 2008, 2009, and 2010.

<sup>2</sup> Sixty-three countries held elections in 2008. The Special Rapporteur's research documented election-related killings in 11 countries (17.4%): Armenia, Bangladesh, Cambodia, the Dominican Republic, Guinea-Bissau, Macedonia, Mongolia, Pakistan, Spain, and Zimbabwe.

<sup>3</sup> Afghan Independent Human Rights Commission (AIHRC) – United Nations Assistance Mission to Afghanistan (UNAMA), "Joint Monitoring of Political Rights, Presidential and Provincial Council Elections, Third Report", (1 August–21 October 2009); National Democratic Institute, "Preliminary Statement of the NDI Election Observer Delegation to Afghanistan's 2009 Presidential and Provincial Council Elections" (22 August 2009); Free and Fair Election Foundation of Afghanistan, "2009 Presidential and Provincial Council Elections – Final Observation Report" (January 2009), pp. 59–61.

<sup>4</sup> Afghan Independent Human Rights Commission (AIHRC) – United Nations Assistance Mission to Afghanistan (UNAMA), "Joint Monitoring of Political Rights, Presidential and Provincial Council Elections, Third Report", (1 August–21 October 2009).

<sup>5</sup> Canadian Broadcasting Centre News, "Insurgent attacks spike in run-up to Afghan vote" (18 August 2009).

<sup>6</sup> Agence France-Presse, "Afghan attacks kill 17 including wedding-goers" (5 August 2009).

province, and three improvised explosive devices (IEDs) were detected and defused by Afghan forces close to two Provincial Council candidates' houses in Logar province.<sup>7</sup> On the same day, in Ghazni province, the provincial campaign manager for President Karzai and members of the Provincial Council candidates' convoy were attacked by AGEs while they were returning from an election gathering in Badghis province. Two people were killed.<sup>8</sup> On 14 August, in Kapisa province, AGEs killed one person and injured two others who were returning from campaigning for President Karzai. On 16 August 2009, a roadside bomb hit a convoy of President Karzai's campaigners in Jawzjan province, and AGEs killed one of President Karzai's campaigners and injured two others in Kapisa province. The following day, a Jawzjan Provincial Council candidate was shot and killed by two unidentified armed motorcyclists.<sup>9</sup>

6. On election day (20 August) itself, 31 civilians were killed, including 11 election officials, as well as 18 Afghan National Police (ANP), 8 Afghan National Army (ANA) personnel, and 3 foreign military troops.<sup>10</sup> In Kandahar, a bomb killed 6, and the Taliban hung 2 people who had ink-stained fingers (indicating that they had voted).<sup>11</sup> In Baghlan province, insurgent attacks closed 14 polling sites and several police officers were killed.<sup>12</sup> The district chief of police of Baghlan was killed during a fight with AGEs and the deputy district chief of police in Nangarhar province was killed during an attack by AGEs.<sup>13</sup> Violence also affected the international forces – August and July of 2009 resulted in the highest and second highest amount of US and foreign troop deaths since the US invasion in 2001.<sup>14</sup> On 15 August, a suicide car bomb exploded outside NATO headquarters in Kabul, killing at least seven people, and on 18 August a suicide bomber detonated a device in a car close to a column of NATO forces on the main road out of Kabul to Jalalabad, killing eight people.<sup>15</sup>

7. A few hours after the preliminary election results were released on 25 August, a bomb blast killed 43 people in Kandahar city. (The Taliban were suspected but denied responsibility). On 12 September, as the first full results were being announced by the election committee, a wave of attacks across the country resulted in 66 deaths.

8. Government officials and other observers attributed the low voter turnout in some areas to Taliban threats ahead of voting day, and attacks on the day itself.<sup>16</sup> They also noted that women voters especially were deterred from voting, that there was a decrease in the

<sup>7</sup> Afghan Independent Human Rights Commission (AIHRC) – United Nations Assistance Mission to Afghanistan (UNAMA), "Joint Monitoring of Political Rights, Presidential and Provincial Council Elections, Third Report" (1 August–21 October 2009).

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Carlotta Gall and Stephen Farrell, "Afghan Election Called a Success Despite Attacks", The New York Times (20 August 2009).

<sup>12</sup> Jon Boon, Haroon Siddique and Julian Borger, "Afghanistan vote count begins after election day of sporadic violence", The Guardian (20 August 2009).

<sup>13</sup> AIHRC-UNAMA, "Joint Monitoring of Political Rights, Presidential and Provincial Council Elections, Third Report" (1 August–21 October 2009).

<sup>14</sup> George Cagnon, "Afghanistan: Was the Women's Vote Counted?", The Daily Beast (12 September 2009).

<sup>15</sup> Jon Boon, "Afghanistan suicide attack kills eight as Taliban target Kabul", The Guardian (18 August 2009).

<sup>16</sup> Associated Press, "Fraud commission excludes ballots in Afghan vote", The Guardian (10 September 2009). See also National Democratic Institute, "Preliminary Statement of the NDI Election Observer Delegation to Afghanistan's 2009 Presidential and Provincial Council Elections" (22 August 2009); Free and Fair Election Foundation of Afghanistan, "2009 Presidential and Provincial Council Elections – Final Observation Report" (January 2009); Asia Network for Free Elections, "Report of the International Election Observation Mission" (December 2009).

number of provincial council candidates, and that the violence made it difficult to recruit election polling staff in some areas.<sup>17</sup>

### Armenia

9. The 19 February 2008 presidential elections were marked by various reports of violence at the polling stations.<sup>18</sup> Following accusations by the runner-up, Levon Ter-Petrosian, of widespread electoral fraud, demonstrations took place in Yerevan.<sup>19</sup> However, on 1 March 2008, the police reportedly used excessive force against protestors, and at least eight protestors were killed.<sup>20</sup>

### Bangladesh

10. General elections were held, for the first time in seven years, on 29 December 2008.<sup>21</sup> Eighteen people were reportedly injured in election day violence.<sup>22</sup> On 30 December 2008, two people died and more than a dozen were injured as a result of post-election violence in a town outside of the country's capital.<sup>23</sup>

11. Violent clashes between security forces and demonstrators opposing the ruling party have resulted in tens of deaths and hundreds wounded in the lead-up to the previous general election, between October 2006 and January 2007.<sup>24</sup> The sustained violence and unrest eventually led to a cancellation of general elections to be held in January 2007 and caused the military to call for the implementation of emergency rule.<sup>25</sup> Accordingly, at the time of the 2008 election, "Authorities ha[d] deployed 650,000 police officers and soldiers across the country to prevent violence and vote fraud."<sup>26</sup>

### Cambodia

12. On 27 July 2008, Cambodia held national elections which returned the incumbent Cambodian People's Party (CPP) to power. The European Union Election Observation Mission reported that, though election violence was markedly reduced in comparison to previous elections, instances of threats and intimidation remained, directed in particular against journalists and opposition party members.<sup>27</sup> On 11 July 2008, Khim Sambo, a

<sup>17</sup> See National Democratic Institute, "Preliminary Statement of the NDI Election Observer Delegation to Afghanistan's 2009 Presidential and Provincial Council Elections" (22 August 2009). See also: Free and Fair Election Foundation of Afghanistan, "2009 Presidential and Provincial Council Elections – Final Observation Report" (January 2009).

<sup>18</sup> Human Rights Watch, "Armenia: Violence at Polling Stations Mars Elections" (20 February 2008).

<sup>19</sup> Transparency International, "Presidential Elections 2008" (available at [http://www.transparency.am/elections\\_2008.php](http://www.transparency.am/elections_2008.php)).

<sup>20</sup> Human Rights Watch, "Armenia: Skewed Prosecution Over 2008 Clashes" (25 February 2009). See also Organisation for Security and Co-operation in Europe (OSCE), "OSCE/ODIHR Election Observation Mission Report: Republic of Armenia Presidential Election" (19 February 2008).

<sup>21</sup> "Bangladesh holds first election in 7 years", NY Times (29 December 2008) (article misdated to 29 November 2008).

<sup>22</sup> "18 hurt in historic Bangladesh election violence", USA Today (29 December 2008).

<sup>23</sup> "2 people killed in post-election violence in W Bangladesh", Xinhua Daily (30 December 2008).

<sup>24</sup> "18 hurt in historic Bangladesh election violence," USA Today (29 December 2008).

<sup>25</sup> "Pre-election violence shuts down much of Bangladesh," International Herald Tribune (8 January 2007), "18 hurt in historic Bangladesh election violence", USA Today (29 December 2008).

<sup>26</sup> "18 hurt in historic Bangladesh election violence", USA Today (29 December 2008).

<sup>27</sup> European Union Election Observation Mission, Preliminary Statement: Cambodian elections 2008 show some progress but still fall short of key international standards (29 July 2008) p. 8.

journalist working for the Khmer Conscience newspaper (*Moneaksekar Khmer*), and his 21-year-old son, Khat Sarinpheata, were killed in a drive-by shooting.<sup>28</sup> The Khmer Conscience is linked to the Sam Rainsy Party, who opposed the CPP in the national elections. No one has been arrested in connection with the shooting.<sup>29</sup> Civil society groups documented five cases of politically motivated killings between January 2008 and May 2008, noting that most of the perpetrators of killings and other acts of violence and intimidation related to political activities had not been prosecuted.<sup>30</sup>

### Colombia

13. Electoral violence in the context of 2007 local elections was widespread, and the Public Advocate's office estimated that over half of the country's municipalities were at risk.<sup>31</sup> At least 20–27 political candidates were killed, including mayoral and municipal council candidates.<sup>32</sup> Overall, there were reports of at least 50 election-related deaths.<sup>33</sup> Observers tended to state that candidates were not targeted for their individual political affiliations, but that attacks represented opposition to the election process and the Government in general.<sup>34</sup> While the FARC rebel group was responsible for many of the killings, criminal gangs and former paramilitaries are also reported to be responsible for some deaths.<sup>35</sup>

14. The Organization of American States election report notes that the killings and intimidation led to approximately 10 per cent of candidates giving up their nominations.<sup>36</sup> The report also notes that some voters reported being warned that they would be killed if they voted. In some areas, the FARC urged boycotts of the elections, in others, they threatened violence if citizens voted for certain parties.<sup>37</sup>

### Cote d'Ivoire

15. Presidential elections have been postponed numerous times since 2005 in Côte d'Ivoire.<sup>38</sup> On 19 February 2010, after President Gbagbo dissolved the electoral commission and the Government again postponed elections, protestors took to the streets calling for the election process to continue.<sup>39</sup> Police fired on the demonstrators, killing 5

<sup>28</sup> Human Rights Watch, "Cambodia: Murder of Journalist Jolts Run-up to Election" (16 July 2008).

<sup>29</sup> Human Rights Watch, "Cambodia: Threats, Intimidation Mar Campaign" (26 July 2008).

<sup>30</sup> Asian Forum for Human Rights and Development, "Cambodian civil society concerned over violence during election campaigns" (11 June 2008).

<sup>31</sup> Hugh Bronstein, "Election Violence Rises in Colombia vs 2003 vote", Reuters (19 October 2007).

<sup>32</sup> Organización De Los Estados Americanos, "Informe De La Misión De Observación Electoral Elecciones Locales En La República De Colombia 28 De Octubre De 2007" p. 8, (reporting 20 election-related killings of political candidates); see also Amnesty International, "Colombia: Killing of election candidates must stop" (17 October 2007) (placing the number of election-related killings at 27 as of 17 October 2007, 11 days before the election); see also Hugh Bronstein, "Election Violence Rises in Colombia vs 2003 vote", Reuters (19 October 2007) (stating that the number of election-related killings stood at 25 as of October 19, 2007).

<sup>33</sup> Transparency International, "In Focus: 2007, Latin American Democracies" (11 November 2007).

<sup>34</sup> Hugh Bronstein, "Election Violence Rises in Colombia v. 2003 vote", Reuters (19 October 2007).

<sup>35</sup> Amnesty International, "Colombia: Killing of election candidates must stop" (17 October 2007).

<sup>36</sup> Organization of American States Permanent Council, "Report of the Electoral Observation Mission: Local Elections in the Republic of Colombia" (28 October 2007), p. 1.

<sup>37</sup> Ibid., pp. 8–11.

<sup>38</sup> Associated Press, "5 Killed in Ivory Coast Anti-Government Protests" (19 February 2010).

<sup>39</sup> Al Jazeera, "Protestors Riot in Ivory Coast" (20 February 2010).

people (including a 15-year-old boy) and wounding 9.<sup>40</sup> Tensions in Côte d'Ivoire are high due to disputes over voter eligibility rules that have disqualified millions of people from participating in the electoral process.<sup>41</sup>

### Democratic Republic of the Congo

16. The Special Rapporteur visited the Democratic Republic of the Congo (DRC) in October 2009 and investigated the extensive election-related killings in the west of the country stemming from the aftermath of the 2006 presidential elections in Kinshasa and the 2007 legislative elections in Bas Congo.<sup>42</sup> After President Kabila won the election run-off, and opposition leader Bemba refused to integrate his 400 personal soldiers into the command of the Congolese army, a street battle broke out between Bemba's guards and the army in March 2007. Hundreds of deaths resulted, including of many civilians. Following these initial clashes, the army, the republican guard and other Government security forces carried out targeted killings of actual or presumed Bemba supporters, including killing those who had been (unlawfully) detained.

17. Additionally, the Special Rapporteur investigated Government security force killings of members of the political-religious group *Bunda dia Kongo* (BDK) in Bas Congo following legislative elections in early 2007. In response to alleged election fraud, the BDK organized general strikes. The army was called in, and police and soldiers killed over 100 people, mostly BDK supporters. An additional 100–200 people were killed the following February when the Government launched a three-week, heavily armed police operation against the BDK. Most observers described this operation as an attempt to neutralize the political threat of the BDK.

### Dominican Republic

18. On 16 May 2008, the Dominican Republic held presidential elections. Incumbent President Leonel Fernandez was re-elected with a clear majority.<sup>43</sup> The election saw isolated incidents of violence, including the killing of four people.<sup>44</sup> Three men were killed in a clash between members of the main opposition Revolutionary Party (PRD) and the ruling Dominican Liberation Party (PLD) when the two campaign vehicles they were travelling in crossed paths in the town of Villa Vásquez in the north-east of the country the night before balloting.<sup>45</sup> The men killed were identified as Carlos Polanco, 43, of the PLD, Isidro Polanco Tavárez, 47, of the PRD, and Antonio Fernandez, 50, the former deputy.<sup>46</sup> Antonio Fernandez had previously been a PRD member, but had left to join the PLD.<sup>47</sup> Five people were arrested in connection with the shootings, including a local PRD leader and Bernardo Alemen, an ex-PRD senator whose house reportedly contained a number of weapons that police believed were used during the clash.<sup>48</sup> Legislative elections are scheduled for 16 May 2010. So far the campaign has seen a number of acts of violence, but

<sup>40</sup> "Ivory Coast violence PICS", available at

<http://picsfromafrica.bloglines.co.za/2010/02/22/ivory-coast-violence-pics/>.

<sup>41</sup> See, e.g., The Carter Center, "International Election Observation Mission to Côte d'Ivoire Report #2: Observation of Identification and Voter Registration" (8 May 2009).

<sup>42</sup> A/HRC/14/24/Add.3, and sources cited therein.

<sup>43</sup> BBC, "Dominican leader wins third term" (17 May 2008).

<sup>44</sup> USA Today, "Incumbent wins Dominican presidential election" (17 May 2008).

<sup>45</sup> Dominican Today, "Political violence claims 3 hours prior to Dominican presidential election" (15 May 2008).

<sup>46</sup> Dominican Today, "Political violence claims 3 hours prior to Dominican presidential election" (15 May 2008).

<sup>47</sup> Dominican Today, "Political violence claims 3 hours prior to Dominican presidential election" (15 May 2008).

<sup>48</sup> Manuel Jimenez, "Three killed as violence mars Dominican election", Reuters (15 May 2008).



no killings. On 10 May 2010 two men and one woman were injured in shootings that broke out between PLD and PRD supporters in San Pedro.<sup>49</sup> Two legislative candidates — Cesar Augusto Matías and Edwin Ferreira — have also reported that their houses have been fired at.<sup>50</sup>

## Ethiopia

19. During opposition-led demonstrations over alleged election fraud in Ethiopia's 2005 parliamentary elections, security forces responded to incidents of rock-throwing and looting by indiscriminately firing live ammunition into large crowds of opposition supporters, killing 36 and wounding more than 100.<sup>51</sup>

## Guatemala

20. Over 50 political candidates and political activists were killed in the run-up to Guatemala's 2007 presidential, congressional and municipal elections, making it the country's most violent election since the end of Guatemala's civil war in 1996.<sup>52</sup> Individuals from parties across the political spectrum were subjected to bombing and machete attacks, as well as shootings, although more killings targeted parties on the left, and candidates at the municipal level. In April 2007, a Unity for Hope party congressman was shot in front of party headquarters.<sup>53</sup> A number of Encuentro por Guatemala party members were found dead with campaign posters covering them.<sup>54</sup> The son of Amilcar Mendez, a human rights activist with links to Alvaro Colom, one of the presidential candidates, was shot as he left work. It was believed his death was linked to his work with his father in informing American human rights groups of the threats and violence against candidates in the election.<sup>55</sup> Some activists were shot while distributing party leaflets.<sup>56</sup>

21. Various reasons have been given for the high levels of election-related violence. The EU's election monitoring report notes that motives were difficult to discern, because police and prosecutor investigations were very poor.<sup>57</sup> Some analysts have suggested that the attacks were carried out by organized criminal groups to increase their political influence, to punish politicians for attempting to reduce organized crime influence, or in an attempt to

<sup>49</sup> Dominican Today, "Political campaign violence claims its first victims" (11 May 2010).

<sup>50</sup> Dominican Today, "Incidents mar a 'most peaceful' campaign" (10 May 2010).

<sup>51</sup> Human Rights Watch, "Ethiopia: Crackdown Spreads Beyond Capital" (14 June 2005).

<sup>52</sup> European Union Election Observation Mission, "Guatemala 2007 – Final Report on the General Elections". See also Manuel Roig-Franzia, "Killings on the campaign Trail", The Washington Post (9 September 2007); Transparency International, "In Focus: 2007, Latin American Democracies" (11 November 2007); BBC, "Guatemala campaign deaths mount" (14 August 2007) (as of 14 August 2007, BBC reported over 40 election-related killings); Human Rights Watch, "Universal Periodic Review of Guatemala: Human Rights Watch's Submission to the Human Rights Council" (4 May 2008).

<sup>53</sup> Reuters, "Bloodshed Hits Guatemalan Election Campaign", The Epoch Times (10 August 2007).

<sup>54</sup> Manuel Roig-Franzia, "Killings on the campaign Trail", The Washington Post (9 September 2007).

<sup>55</sup> Mica Rosenberg, "Violence Darkens the Guatemalan Election Campaign", Reuters (6 September 2007).

<sup>56</sup> Ibid.

<sup>57</sup> European Union Election Observation Mission, "Guatemala 2007 – Final Report on the General Elections", pp. 33–34. The report recommended that the Government should create a specialized police task force to investigate election-related violence, and recommended that the prosecutor's office also create specialized units to prosecute election-related crimes. OAS Permanent Council, "Report of the Electoral Observation Mission: General Elections (9 September 2007) and Second Round Presidential Election of Guatemala (4 November 2007)" (12 February 2009).

get their favoured candidate into office.<sup>58</sup> Other attacks were likely ordered by political rivals.<sup>59</sup>

## Guinea

22. In what has been called “Bloody Monday”, tens of thousands of opposition supporters gathered in Conakry stadium on 28 September 2009 to protest the rule of the military junta, including the indication that junta leader Captain Moussa Dadis Camara would break his pledge not to run in the upcoming January 2010 presidential elections.

23. Clashes between demonstrators and security forces began in the morning as demonstrators began to force their way through barricades to get to the stadium. In some instances demonstrators threw rocks and security forces retaliated with tear gas, chasing demonstrators down and beating them with batons.<sup>60</sup> During this time a police officer shot a young man 300 metres from the stadium, and two others were shot and killed by gendarmes from Thégboro’s Anti-Drug and Organized Crime Unit, in the presence of their commander.<sup>61</sup> Thégboro’s gendarme also stopped a busload of demonstrators on their way to the stadium and forced them outside the vehicle where at least two demonstrators were shot dead.<sup>62</sup> Security forces eventually withdrew allowing the crowds and political leaders to enter the stadium, where they peacefully prayed, danced and sang and the political leaders gave interviews to journalists in the absence of a public address system.<sup>63</sup> The presidential security battalion of the Guinean army, signified by their red berets, then descended on the stadium firing shots upon entering, while riot police (CMIS) shot tear gas inside.<sup>64</sup> Once inside, the security battalion killed dozens by opening fire on the crowd.<sup>65</sup> As their ammunition ran out, witnesses say the red berets then resorted to stabbing and beating other demonstrators to death.<sup>66</sup> Women were raped and summarily executed.<sup>67</sup> As demonstrators attempted to escape, more were fired upon and killed, while others were trampled by the crowds or electrocuted by wires placed in front of the exits by security forces.<sup>68</sup> After the massacre at the stadium, several other survivors were executed as they returned home.<sup>69</sup> While the United Nations Commission of Inquiry into the killings confirmed 156 individuals who were killed or disappeared,<sup>70</sup> the Government’s own inquiry into the violence allegedly reports on 59 deaths.<sup>71</sup>

## India

24. India held a parliamentary election between April and May 2009 that had five phases to accommodate its 714 million eligible voters. The election was marked by

<sup>58</sup> BBC, “Guatemala Campaign Deaths Mount” (14 August 2007).

<sup>59</sup> Manuel Roig-Franzia, “Killings on the campaign Trail” *The Washington Post* (9 September 2007).

<sup>60</sup> S/2009/693, para. 54.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid., para. 55.

<sup>63</sup> Ibid., paras. 56–60.

<sup>64</sup> Ibid., para. 61.

<sup>65</sup> Ibid., para. 77.

<sup>66</sup> Ibid.

<sup>67</sup> Ibid., paras. 79–80.

<sup>68</sup> Ibid., paras. 79, 81, 84.

<sup>69</sup> Ibid., para. 83.

<sup>70</sup> S/2009/693. See also Human Rights Watch, “Bloody Monday: The September 28 Massacre and Rapes by Security Forces in Guinea” (17 December 2009).

<sup>71</sup> Turtle Bay, “Guinea’s junta hires ex-war crimes prosecutors – and gets a favorable report”, *Foreign Policy* (24 February 2010).

violence during all of the phases, and attacks by Maoist insurgents and clashes between political rivals resulted in a number of deaths.<sup>72</sup>

25. In the first phase, on 16 April, at least 17 people, including 5 election officials and security personnel, were killed when the Naxalites, a Maoist insurgent group, attacked polling places and election workers in the States of Bihar, Jharkhand, Chhattisgarh and Orissa.<sup>73</sup> Before the elections, the Naxalites called for citizens to boycott them, stated that they would use violence to disrupt voting, and warned that they would cut off the hands of those who voted.<sup>74</sup> In Bihar, the Naxalites attacked a polling station and shot and killed a policeman and a guard.<sup>75</sup> In Chhattisgarh, the Naxalites reportedly killed five poll officials by blowing up the car in which they were travelling, and also attacked polling booths in two other areas in the State, killing at least one member of the Indian security forces.<sup>76</sup> In Jharkhand, the Naxalites reportedly killed seven security personnel and two civilians with a landmine.<sup>77</sup> The Indian Election Commission announced that families of poll workers and security officials who were killed in the Naxalite violence would each receive Rs. 100,000.<sup>78</sup>

26. In the second phase, on 23 April, approximately seven people were reported killed in separate attacks by Naxalites in Bihar and West Bengal in further attempts to disrupt the Indian electoral process.<sup>79</sup> In Bihar, Naxalites used a landmine to blow up a jeep carrying poll officials and killed four police and an election worker, while in West Bengal, they shot two members of the Communist Party.<sup>80</sup>

27. There did not appear to be any deaths leading up to and during the third phase (7 May), but in post-polling violence, supporters of the Communist Party and Trinamool Congress party fought in several districts of West Bengal using bombs, firearms and other weapons, and reportedly caused up to 11 deaths.<sup>81</sup> In more post-polling violence, another person was reported killed by a bomb on 9 May in the West Bengali area of Udaynarayanpur area; the Communist Party claimed that the victim was a Communist Party member who had earned the enmity of the Trinamool Congress party by campaigning in the area.<sup>82</sup>

28. In the fourth phase, on 10 May, at least two people were reported killed in election-related violence. In West Bengal, a Communist Party member was killed in a bomb attack after voting, while in Rajasthan, one person was killed by security personnel when a reported mob attacked a polling booth.<sup>83</sup> After voting day, approximately 12 people were reported killed in clashes between Trinamool Congress and Communist Party supporters.<sup>84</sup> The killings appeared to be part of on-going disputes over the State government's plans for

<sup>72</sup> Tim Sullivan, "India's Month-long Election Ends", *The Guardian* (13 May 2009).

<sup>73</sup> *The Hindu*, "Naxal Violence Rocks First Phase of Lok Sabha Polls, 17 Killed" (16 April 2009); BBC, "Millions of Indians Go to Polls" (16 April 2009).

<sup>74</sup> Gethin Chamberlain, "How Maoist guerrillas threaten Indian polls from their jungle lair", *The Guardian* (29 March 2009).

<sup>75</sup> *The Hindu*, "58-62% turnout in Phase I polls; Naxalites kill 19" (17 April 2009).

<sup>76</sup> *Ibid.*

<sup>77</sup> *Ibid.*

<sup>78</sup> *The Times of India*, "Rs. 10 lakh compensation to officials who die in poll duty" (17 April 2009).

<sup>79</sup> South Asia News, "Maoist rebels kill seven in India election violence" (24 April 2009).

<sup>80</sup> *Ibid.*

<sup>81</sup> *Thaindian News*, "West Bengal Post-Poll Clashes Toll Rises to 11" (9 May 2009).

<sup>82</sup> Press Trust of India, "Poll Related Violence Kills One in Eastern India" (9 May 2009).

<sup>83</sup> *India Today*, "Phase IV Records 57% Turnout, 5 Killed" (14 April 2009).

<sup>84</sup> Dean Nelson, "The Terrible Cost of Voting in India", *Daily Telegraph* (13 May 2009).

development, which the Communist Party opposed, and each party accused the other of inciting the violence to prevent voting.<sup>85</sup>

29. In the fifth and final phase, on 13 May, there were reports of at least two deaths. In Tamil Nadu one person was reported killed in fighting between rival political parties.<sup>86</sup> In West Bengal, a clash between Trinamool Congress and Communist Party of India supporters before polling began resulted in another death.<sup>87</sup>

### Indonesia

30. In the four months before 9 April 2009 parliamentary elections, 5 politicians from the Aceh Party (PA), the political party for the Free Aceh Movement, were killed in a string of assassinations.<sup>88</sup> Some of the killings were carried out by individuals shooting from motorbikes, others appear to have been shot in their homes.<sup>89</sup> The motives for the killings are not entirely clear, but appear to be linked to the “Razak Group”, a network of separatists against the 2005 peace agreement between Indonesia and the Free Aceh Movement.<sup>90</sup>

31. Elsewhere, in Nabire in Papua, three days before the election, Indonesian police shot and wounded 11 people at a pro-independence rally.<sup>91</sup> This was followed by a series of killings on election day throughout the province of Papua, where separatists — believed to be responsible for the killings — had been calling for a boycott of the elections.<sup>92</sup> In Wamena, separatists were reported to be responsible for stabbing to death five motorcycle taxi drivers, in an apparent attempt to create a climate of fear and instability surrounding the election.<sup>93</sup> In another incident, a crowd of 50–100 individuals attacked a police post with homemade bombs and spears, and the police opened fire, killing 1 person, and injuring 8.<sup>94</sup>

### Iran

32. Tens of thousands of Iranians participated in post-election protests in favour of opposition candidate Mir-Hossein Mousavi, and against alleged election fraud leading to the re-election of incumbent Mahmoud Ahmadinejad, following 12 June 2009 presidential elections.

33. On 14 June, 5–10 students were killed by State security forces during a crackdown on university campuses and student protests.<sup>95</sup> Unidentified plain-clothes security forces believed to be the Basij militia and police stormed the dormitory at Tehran University,

<sup>85</sup> Ibid.

<sup>86</sup> Press Trust of India, “Indian General Election Ends, Counting on 16 May” (13 May 2009).

<sup>87</sup> Ibid.

<sup>88</sup> Human Rights Watch, “Indonesia: Release Election Critics, Investigate Violence” (8 April 2009).

<sup>89</sup> World Bank, “Aceh Conflict Monitoring Update: 1st December 2008–28th February 2009”; see also World Bank, “Aceh Conflict Monitoring Update: 1st March–30th June”.

<sup>90</sup> See Jakarta Globe, “Another Three Aceh Terror Suspects to be Sent to National Police HQ” (28 April 2009); see also World Bank, “Aceh Peace Monitoring Update: 1st March–30th June 2009”, pp. 2–3.

<sup>91</sup> Reuters, “Pre-election violence hits Indonesia’s Papua” (9 April 2009).

<sup>92</sup> Ibid.

<sup>93</sup> Jakarta Post, “Papua calm after deadly incidents” (11 April 2009).

<sup>94</sup> Ibid.

<sup>95</sup> Amnesty International, “Iran: election contested, repression compounded” (1 December 2009), p. 17; see also International Campaign for Human Rights in Iran, “Accelerating Slide into Dictatorship” (21 September 2009).

setting fire to the property, and arresting dozens of students.<sup>96</sup> Similar attacks on students were carried out at Esfahan and possibly Tabriz that same day.<sup>97</sup>

34. Violence escalated after the decree of Ayatollah Ali Khamenei on 19 June that further protests would be met with force. The next day, fewer protestors, but whose numbers were still in the thousands, continued to march in the streets and they were met with gunfire from security forces. On 20 June, Neda Agha Soltan was killed; her death was captured on camera and infamously captivated audiences around the world.

35. By September 2009, Iranian officials had estimated that around 30 people were killed in the immediate post-election period, but opposition supporters alleged that the number was closer to 70 and attributed the deaths mostly to police, revolutionary guard and Basij militia.<sup>98</sup> The actual number has been impossible to determine, as the Government has restricted investigations by journalists and NGOs.<sup>99</sup> In addition to killings during street protests, a number of cases were reported in which individuals were allegedly detained, tortured, and killed.<sup>100</sup>

36. Election protests again flared in November and December 2009. Security forces opened fire on protestors and drove trucks into crowds on 27 December, the Shia religious festival of Ashura, killing another 15 protestors, including Mousavi's nephew.<sup>101</sup>

37. In addition to the killings of protestors by security forces, the Government appears to have used the death penalty to counter election-related political activism. At the time of writing, reports indicated that Iran had handed down at least 10 death sentences against post-election protestors, charging them with "moharabeh", ("waging war against" or "defiance of" God).<sup>102</sup> Those sentenced to death include one student who threw stones at security forces during the Ashura protests.<sup>103</sup> The number of detained individuals awaiting trial in connection with the election protests remains in the thousands.<sup>104</sup> There was a significant surge in the number of death sentences carried out by the Government immediately before and after the election. Iran carried out more executions in May (50), the month prior to the elections, and July (94), the month after the elections, than in any other months in 2009.<sup>105</sup> In 2009, at least 388 people were executed, "the largest number recorded by Amnesty International in recent years".<sup>106</sup> Many experts have suggested that the Government used the death penalty to intimidate voters pre-election, and protestors post-election.

<sup>96</sup> Amnesty International, "Iran: election contested, repression compounded" (1 December 2009), p. 17; see also Radio Free Europe/Radio Liberty, "Iranian Speaker Condemns Attack on University Students" (16 June 2009).

<sup>97</sup> Amnesty International, "Iran: election contested, repression compounded" (1 December 2009), p. 17; see also International Campaign for Human Rights in Iran, "Accelerating Slide into Dictatorship" (21 September 2009).

<sup>98</sup> International Campaign for Human Rights in Iran, "Accelerating Slide into Dictatorship" (21 September 2009).

<sup>99</sup> See e.g. Ibid.

<sup>100</sup> Ibid.

<sup>101</sup> Ulrike Putz, "Iranian Demonstrators Put the Regime on the Defensive", Spiegel Online International (28 December 2009).

<sup>102</sup> Brian Murphy, "Iran call political opponents enemies of Islam", Associated Press (10 March 2010); Reuters, "U.S. deplores death sentence for Iranian protestor" (5 March 2010).

<sup>103</sup> Brian Murphy, "Iran call political opponents enemies of Islam", Associated Press (10 March 2010); see also Iran Human Rights, "Annual Report on the Death Penalty in Iran 2009" (9 March 2010); Agence France-Presse, "Iran upholds student protestor death penalty: report" (2 March 2010).

<sup>104</sup> Ibid.

<sup>105</sup> Iran Human Rights, "Annual Report on the Death Penalty in Iran 2009" (9 March 2010).

<sup>106</sup> Amnesty International, "Iran Executions Send Chilling Message" (30 March 2010).

## Iraq

38. Iraq saw an increase in suicide bombings and other attacks before its most recent parliamentary elections in March 2010. Reports indicate that at least 40 individuals were killed on election day itself.<sup>107</sup> On 12 February 2010, an audio recording attributed to Omar al-Baghdadi (purported leader of Al-Qaida in Iraq) was released, stating that the elections were “illicit” and an attempt by the Shiite majority to repress the Sunni minority.<sup>108</sup> The audio recording warned that the group would attempt to “prevent these elections” using “primarily military means”.<sup>109</sup> The Islamic State of Iraq, an umbrella militant group that includes Al-Qaida in Iraq, also distributed fliers in Sunni dominated areas threatening to kill anyone who voted.<sup>110</sup>

39. While the perpetrators of some attacks are relatively clear, officials have expressed uncertainty about the perpetrators of many other election killings and attacks, indicating that attacks could be by insurgents or motivated by tribal, religious, or political interests.<sup>111</sup> Examples of killings during the recent election cycle include a 18 February suicide bombing in Ramadi, the capital of the predominantly Sunni province of Anbar, where an unidentified bomber targeted an Iraqi government compound and killed 13 people and wounded dozens more.<sup>112</sup> On 3 March at least 33 people were killed in a triple suicide bombing attack in Baqouba, the provincial capital of Diyala.<sup>113</sup> In Baqouba, the first suicide bomber targeted an Iraqi government building, while the second bomber detonated in a nearby crowded intersection, and the third bomber attacked the hospital where those injured from the first two blasts were being taken.<sup>114</sup>

40. Some preliminary evidence suggests that Baghdad, the site of the majority of election day blasts, had a markedly lower voter turnout (53 per cent) than the nation’s average (62 per cent).<sup>115</sup>

## Kenya

41. The Special Rapporteur visited Kenya in February 2009 and investigated the widespread violence that followed the general elections held in December 2007.<sup>116</sup> Violence erupted amidst allegations of electoral fraud, and anger at the announced election results. The Waki Commission, a national commission of inquiry chaired by Justice Waki, produced a comprehensive report detailing the circumstances and causes of 1,113 killings that occurred in that period. The report identifies both spontaneous and organized violence resulting in high numbers of election-related killings.

42. One of the first sites of post-election violence was the town of Eldoret in the Rift Valley where attackers formed groups of 15 plus individuals and targeted Kikuyu

<sup>107</sup> Ned Parker, “Iraq elections marred by violence”, Los Angeles Times (8 March 2010).

<sup>108</sup> Al Jazeera, “Iraq coalition halts poll campaign” (14 February 2010); Steven Lee Myers, “Iraq Suicide Bomber Strikes in Anbar”, New York Times (18 February 2010).

<sup>109</sup> Ibid.

<sup>110</sup> Ned Parker, “Iraq elections marred by violence”, Los Angeles Times (8 March 2010).

<sup>111</sup> See Michael Hastings, “Secular political party under attack in Iraq”, True/Slant (17 February 2010); see also Charles Levinson, “Suicide Bombs Rock Iraq Before Vote”, Wall Street Journal (4 March 2010); see also Steven Lee Myers, “Iraq Suicide Bomber Strikes in Anbar”, New York Times (18 February 2010).

<sup>112</sup> Steven Lee Myers, “Iraq Suicide Bomber Strikes in Anbar”, New York Times (18 February 2010).

<sup>113</sup> Charles Levinson, “Suicide Bombs Rock Iraq Before Vote”, Wall Street Journal (4 March 2010).

<sup>114</sup> Ibid.

<sup>115</sup> Ernesto Londoño, “After playing down election violence in Iraq, U.S. military reassesses”, Washington Post (11 March 2010).

<sup>116</sup> A/HRC/11/2/Add.6, and see sources cited therein.

populations, intending to push them out of the province. In one incident, a mob burned a church where families were taking shelter from the violence, killing 35 people. In some areas, up to 2,000 armed individuals carried out large-scale attacks against perceived ethnic or political enemies.

43. In terms of State responsibility, the Waki Commission found that officials failed to act on intelligence regarding potential violence; failed to respond adequately to violence; and that police lacked discipline and impartiality, and used unjustified force in responding to post-election demonstrations and violence.

44. Police were responsible for 405 deaths (35.7 per cent of the total). In some cases, the police indiscriminately used live ammunition, and over half of the gunshot victims had wounds from the back. Additionally, the Waki Commission identified specific senior officials and individuals from political parties who should be prosecuted for their role in planning or instigating the post-election violence. However, many perpetrators continue to enjoy immunity for the election-related killings including police force members and officials. In light of the Kenyan Government's failure to establish a local tribunal to try those most responsible, their names were handed over to the ICC, which has initiated an investigation into some 20 suspects.<sup>117</sup> According to the ICC prosecutor, these individuals, "utilised their personal, government, business and tribal networks to commit the crimes. They implemented their policy with the involvement of a number of State officers and public and private institutions such as Members of Parliament, senior government officers, the police force and youth gangs".

### **Moldova**

45. Following 5 April 2009 elections in Moldova, tens of thousands of protestors gathered in the country's capital to demonstrate against allegedly rigged election results which had resulted in the victory of the ruling Communist party.<sup>118</sup> A report by the Election Observation Delegation of the European Parliament found:

46. During the anti-Communist demonstrations, a young girl died on the morning of 7 April and two other casualties of another two youngsters resulted (at least one of them appeared to have died as a result of the police brutality against the young demonstrators on the night of 7–8 April). More than 200 young people who had demonstrated against the Communist leadership were reportedly taken into police custody. The Moldovan Communist leadership has imposed terror, torture, murder, kidnappings, intimidation and threats against the Moldovan population, trying to prevent future protests against the Communist leadership.<sup>119</sup>

47. Four months after the April elections, the communists lost early repeat elections after the Parliament was unable to elect a new president, and the current government is led by a liberal-democratic coalition.<sup>120</sup> A special committee set up by the current parliament recently found evidence suggesting that "agents" acting for the Communist authorities at the time "could have infiltrated the peaceful protesters last spring to provoke the

<sup>117</sup> The Guardian, "Annan hands ICC list of perpetrators of post-election violence in Kenya" (9 July 2009); see also AP, "Prosecutor has 20 suspects in 2007 Kenya violence" (3 March 2010).

<sup>118</sup> "Moldova police face brutality allegations", BBC News (20 April 2009); "Former Moldovan President Accused of Abuse of Power", Radio Free Europe (8 May 2010).

<sup>119</sup> Election Observation Delegation, 3–7 April 2009, European Parliament, Parliamentary Elections in Republic of Moldova (2009), p. 7.

<sup>120</sup> "Former Moldovan President Accused of Abuse of Power", Radio Free Europe (8 May 2010); "Moldova's ex-president accused of power abuse", Hurriyet Daily News (10 May 2010).

violence”.<sup>121</sup> According to the latest reports, one police officer has been arrested for allegedly killing a protestor in the April 2009 demonstrations, while the former head of the Interior ministry and other former officials are under investigation for abuse of power.<sup>122</sup>

### Mongolia

48. Mongolia declared its first ever state of emergency since transitioning to a democracy in 1990, following post-election rioting after its 29 June 2009 legislative election.<sup>123</sup> In a protest of alleged election fraud on 1 July 2009, thousands of protestors set fire to the ruling Mongolian People’s Revolutionary Party (MRPR) headquarters in Ulaanbaatar and then clashed with police, who shot nine individuals, four fatally.<sup>124</sup>

### Nepal

49. The Report of the United Nations Secretary-General following 10 April 2008 parliamentary elections in Nepal identified several election-related killings occurring in the pre-election phase, as well as on election day. A detailed report by the Democracy and Elections Alliance Nepal, a Nepali elections-monitoring organization, recorded 50 deaths.<sup>125</sup>

50. Though many different parties were responsible for violent acts, Communist Party of Nepal-Maoist (CPN-M) supporters were reported to be most widely involved in election-related violence. The CPN-M also suffered large numbers of fatalities in the weeks preceding the election. In the month before the election, 12 CPN-M supporters were killed, 9 of them as a result of police fire.<sup>126</sup> In Dang district on 8 April, police officers “providing security for a Nepali Congress candidate shot dead seven apparently unarmed [CPN-M supporters] and injured 12 others”.<sup>127</sup> Other serious incidents included the killing of two candidates, as well as the bombing of a mosque in Biratnagar by the armed Hindu nationalist group, the Nepal Defence Group, causing two deaths.<sup>128</sup> On polling day there were four reported deaths, including the death of an independent candidate and the death of an activist resulting from fighting that broke out between rival parties in the southern district of Sunsari.<sup>129</sup>

51. Reporting noted that polling was cancelled in at least 33 locations “due to irregularities including killings”,<sup>130</sup> and that violence and intimidation “undermined the right to campaign freely”.<sup>131</sup> Post-election violence included “clashes between parties ...

<sup>121</sup> “Former Moldovan President Accused of Abuse of Power”, Radio Free Europe (8 May 2010).

<sup>122</sup> “Former Moldovan President Accused of Abuse of Power”, Radio Free Europe (8 May 2010).

<sup>123</sup> Reuters, “Five dead in Mongolia post-election violence” (2 July 2008).

<sup>124</sup> Amnesty International, “Where Should I Go From Here?: The Legacy of the 1 July 2008 Riot in Mongolia” (December 2009), p. 4.

<sup>125</sup> The Democracy and Elections Alliance Nepal, “Constituent Assembly Election Observation — 10 April 2008 — Final Report” (July 2008). The report also goes into great detail on perpetrators, victims, and methods.

<sup>126</sup> S/2008/313, para. 59.

<sup>127</sup> Ibid., para. 60.

<sup>128</sup> Ibid., para. 9; see also CNN, “Mosque bombing in Nepal kills 2” (30 March 2008).

<sup>129</sup> S/2008/313, para. 9; see also Al Jazeera, “Nepal poll ‘largely peaceful’” (11 April 2008).

<sup>130</sup> The Democracy and Elections Alliance Nepal (DEAN), “DEAN Overview of the April 10 Constituent Assembly Elections Conduct” (April 2008).

<sup>131</sup> European Union Election Observation Mission, “Nepal — Final Report — Constituent Assembly Election, 10 April 2008” (September 2008).



attacks on losing candidates/parties by activists from winning parties ... acts of retaliation against voters who did not vote for a certain party”.<sup>132</sup>

## Nigeria

52. The Special Rapporteur visited Nigeria in June–July 2005, and in his January 2006 report, noted that the de facto impunity enjoyed by perpetrators of political assassinations risked undermining Nigerian democracy, and warned that there would likely be more killings during the 2007 election year.<sup>133</sup>

53. The 2007 State and federal elections were accompanied by widespread violence, with levels of violence rising as election days approached.<sup>134</sup> According to reliable estimates, there were approximately 200 election-related killings.<sup>135</sup> One report found 40–50 deaths on the day of State elections itself.<sup>136</sup> In summarizing the general types of violence, the National Democratic Institute reported that there were: “assassinations of candidates for party nominations and for the general elections; armed attacks against campaign meetings and rallies; ... attacks against polling stations, polling officials and rival party agents”.<sup>137</sup> Some reports noted that the general tone was set by senior officials, including the President, who referred to the elections as a “do or die affair”, fuelling “tension at the grass-roots level”.<sup>138</sup>

54. Many killings targeted political candidates and their supporters, as well as Independent National Electoral Campaign (INEC) officials, and were carried out by politicians’ armed groups. These groups — composed mostly of unemployed and poor youth — were used by candidates from many parties, but especially the larger parties with more significant funds.<sup>139</sup> The days shortly before the State election were especially violent for political candidates — on 12 and 13 April, four People’s Democratic Party members were shot to death.<sup>140</sup> Across the country, police were accused of failing to adequately protect voters and party supporters from violence.<sup>141</sup> A number of reports noted that the State elections had increased security over the earlier federal elections, and was violence reduced as a result.<sup>142</sup> Police were also the victims of election violence — for example, nine police were killed while they were transporting election materials.<sup>143</sup>

<sup>132</sup> The Democracy and Elections Alliance Nepal, “Constituent Assembly Election Observation — 10 April 2008 — Final Report” (July 2008), p. 7.

<sup>133</sup> E/CN.4/2006/53/Add.4, p. 20.

<sup>134</sup> European Union Election Observation Mission, Nigeria 2007, “Final Report: Presidential, National Assembly, Gubernatorial, and State House of Assembly Elections” (April 2007), p. 20.

<sup>135</sup> *Ibid.*, p.20; see also Human Rights Watch, “Criminal Politics: Violence, ‘Godfathers’ and Corruption in Nigeria” (October 2007); see also Amnesty International, “Nigeria: Impunity for political violence in the run-up to the 2007 elections” (April 2007) (report includes many detailed accounts of election-related killings leading up to the elections).

<sup>136</sup> The International Republican Institute, “Federal Republic of Nigeria State and National Elections April 14 and 21, 2007—Election Observation Mission Final Report” (2007), p. 20.

<sup>137</sup> National Democratic Institute, “Final NDI Report on Nigeria’s 2007 Elections” (April 2008).

<sup>138</sup> Commonwealth Secretariat, Report of the Commonwealth Observer Group, “Nigeria State and Federal Elections” (April 2007), p. 36.

<sup>139</sup> European Union Election Observation Mission, Nigeria 2007, “Final Report: Presidential, National Assembly, Gubernatorial, and State House of Assembly Elections” (April 2007), p. 21.

<sup>140</sup> Amnesty International, “Nigeria elections: Failure to protect human rights raises death toll” (17 April 2007).

<sup>141</sup> See Human Rights Watch, “Nigeria: Presidential Election Marred by Fraud, Violence” (25 April 2007).

<sup>142</sup> See e.g. Commonwealth Secretariat, Report of the Commonwealth Observer Group, “Nigeria State and Federal Elections” (April 2007), p. 54; European Union Election

55. Killings also occurred during election-related riots. In Daura, supporters of one party rioted when they “discovered that electoral officials had delivered only half of the ballot papers that should have arrived”.<sup>144</sup> Two people were killed.

56. Impunity for killings was widespread, and reports indicate political bias by the police in investigations.<sup>145</sup>

57. In November 2008, claims that a local election was rigged in Jos triggered riots and violent clashes between (mostly Christian) supporters of the People’s Democratic Party and (mostly Muslim) supporters of the All Nigeria People’s Party. The violence resulted in the deaths of at least 700 people. Victims were generally attacked by armed mobs (from both sides), who “beat, burned, or bludgeoned” them to death.<sup>146</sup> In the initial stages of the violence, the security forces were accused of failing to appropriately respond. When they did, they helped to quell the violence, but the State security forces were also responsible for over 130 unlawful killings.<sup>147</sup> Most of these security force killings occurred after the State Governor issued a “shoot on sight” order. Many civilian victims were shot at close range, or arrested and executed. There has been no accountability for these killings. A State Government commission of inquiry into the events did “not investigate alleged abuses by security forces” and “has not been made public”.<sup>148</sup> Large-scale ethnic-religious violence in Jos has occurred previously (2001, at least 1,000 dead), and erupted again recently (2010, at least 200 dead).

### Pakistan

58. Pakistan’s tenuous security situation became even more violent in the period leading up to national and provincial assembly elections that took place in February 2008. The political backdrop to the elections was intense domestic pressure for President General Pervez Musharraf to end eight years of military rule, and the rivalry among Musharraf and his two main opponents, Benazir Bhutto, leader of the Pakistani People’s Party (PPP), and Nawaz Sharif, leader of the PML-N party, both of whom returned from exile to contest the parliamentary elections.<sup>149</sup>

59. The entire pre-election period was marked by violence and bombings caused by a number of factors and actors: a larger conflict between Government forces and extremists fought primarily in the north, but with spillover effects in other parts of the country; attacks by extremists on political parties; Government violence to suppress political campaigners and civil society; and, to a lesser degree, violence amongst political party activists themselves.<sup>150</sup>

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Observation Mission, Nigeria 2007, “Final Report: Presidential, National Assembly, Gubernatorial, and State House of Assembly Elections” (April 2007).

<sup>143</sup> National Democratic Institute, “Final NDI Report on Nigeria’s 2007 Elections” (April 2008), p. 36.

<sup>144</sup> Human Rights Watch, “Nigeria: Presidential Election Marred by Fraud, Violence” (25 April 2007).

<sup>145</sup> Amnesty International, “Nigeria: Impunity for political violence in the run-up to the April 2007 elections” (April 2007).

<sup>146</sup> Human Rights Watch, “Nigeria: Arbitrary Killings by Security Forces in Jos” (December 2008).

<sup>147</sup> Human Rights Watch, “Arbitrary Killings by the Security Forces” (July 2009); Human Rights Watch, “Nigeria: Arbitrary Killings by Security Forces in Jos” (19 December 2008).

<sup>148</sup> Human Rights Watch, “Nigeria: Use Restraint in Curbing Jos Violence” (19 January 2010).

<sup>149</sup> See generally, International Crisis Group, “Winding Back Martial Law in Pakistan” (12 November 2007); International Crisis Group, “After Bhutto’s Murder: A Way Forward for Pakistan” (2 January 2008).

<sup>150</sup> Human Rights Commission of Pakistan, “State of Human Rights in 2007” (March 2008), pp. 55–58, 60–68, 102.

60. Islamic militants had threatened all political parties in an attempt to disrupt the elections.<sup>151</sup> Bomb attacks by militants, sometimes by suicide bombers, targeted at politicians and campaign events, appear responsible for most election-related deaths.<sup>152</sup> For example, on 18 October 2007, the night Bhutto returned to Pakistan, her convoy was attacked by suicide bombers. The attackers missed Bhutto, but over 140 people were killed, including members of her political party and her guards, and hundreds more were injured. The Government blamed the bombing on extremists, while Bhutto blamed unnamed former Government officials and said she had been warned also that the Taliban, Al-Qaida and unnamed groups were planning attacks on her.<sup>153</sup>

61. On 21 December, at least 50 people were killed in a suicide attack apparently targeted at a former Interior Minister and candidate in the parliamentary elections, while he was worshipping at a mosque near Peshawar.<sup>154</sup> A week later, on 27 December, a suicide bomber killed Bhutto and at least 24 others as she was leaving a political rally.<sup>155</sup> The election was postponed for six weeks and in the wake of Bhutto's assassination, there were protests and riots countrywide, resulting in at least 58 deaths.<sup>156</sup> A United Nations Commission of Inquiry completed an investigation into Bhutto's death, and found that her assassination "could have been prevented if adequate security measures had been taken" and that the Pakistani investigation into her death "lacked direction, was ineffective and suffered from a lack of commitment to identify and bring all of the perpetrators to justice".<sup>157</sup> It found that the failure to effectively investigate by domestic authorities was "deliberate".<sup>158</sup>

62. Media and non-governmental organizations reported that, in addition to Bhutto, three other candidates and "at least 130 others were killed in the pre-election period in politically-motivated attacks".<sup>159</sup> On 9 February 2008, a suicide bomber killed 27 people at a political rally in Charsadda for the opposition Awami National Party (ANP),<sup>160</sup> which was seen as a rival by religious extremists. On 11 February, another suicide bomber killed six supporters of an ANP candidate during a roadside campaign meeting.<sup>161</sup> On 16 February, a suicide bomber rammed a car filled with explosives into the election office of a PPP-backed candidate in Parachinar, killing 47 and wounding approximately 150 people.<sup>162</sup> On election day itself, there was less violence than many had anticipated, but there were numerous

<sup>151</sup> Agence France-Presse, "Pakistan election rally death toll rises to 25: minister" (9 February 2008).

<sup>152</sup> Statistics on the number of deaths and their causes vary, but according to media accounts, there were approximately 71 suicide attacks in 2007, with over 971 people killed. See Human Rights Commission of Pakistan, "State of Human Rights in 2007" (March 2008), p. 65.

<sup>153</sup> Carlotta Gall and Salman Masood, "Bomb Attack Kills Scores in Pakistan as Bhutto Arrives", New York Times (19 October 2007); BBC, "Bhutto Points Fingers Over Blast" (19 October 2007).

<sup>154</sup> BBC, "Pakistan Suicide Blast Kills 50" (21 December 2007).

<sup>155</sup> International Crisis Group, "After Bhutto's Murder: A Way Forward For Pakistan" (January 2008), p. 3.

<sup>156</sup> Public Broadcasting Service (PBS) Newshour, "Pakistan postpones elections" (2 January 2008); see also Dawn, "Countrywide protests, killings and arson" (29 December 2007).

<sup>157</sup> Report of the United Nations Commission of Inquiry into the facts and circumstances of the assassination of former Pakistani Prime Minister Mohtarma Benazir Bhutto (15 April 2010), p. 2.

<sup>158</sup> Ibid., p. 3.

<sup>159</sup> Human Rights Commission of Pakistan, "State of Human Rights in 2008" (March 2009), pp. 89, 103.

<sup>160</sup> CNN, "Pakistani Blast Toll Rises to 27" (15 February 2008).

<sup>161</sup> The Guardian, "Six Killed in Pakistan Suicide Bomb Blast" (11 February 2008).

<sup>162</sup> Daily Times, "Blast Toll Reaches 47" (18 February 2008); Zeeshan Haider, "Bomb kills 37 on last day of Pakistan vote campaign", Reuters (16 February 2008).

attacks on polling sites, and the Government confirmed at least 24 people were killed and 200 injured in election-related violence.<sup>163</sup>

63. European Union election monitoring noted that election violence had restricted voter turnout and affected polling in some areas.<sup>164</sup>

### **The Philippines**

64. Most elections in the Philippines have had high numbers of election-related killings.<sup>165</sup> The massacre on 23 November 2009 of 57 people, including the relatives of a gubernatorial candidate and 30 journalists, carried out by an incumbent ruling family and their private militia, constitutes the starkest recent incident in the country. In the aftermath of the massacre, the Special Rapporteur noted that elections in the Philippines have traditionally become occasions for widespread extrajudicial executions of political opponents.<sup>166</sup> The convoy of relatives and journalists was on its way to file papers for Esmail “Toto” Mangudadatu’s candidacy for the governorship of Maguindanao.<sup>167</sup> Mangudadatu’s attempted candidacy was seen as a direct threat to the expected gubernatorial succession from Andal Ampatuan, Sr. to Andal Ampatuan, Jr. The Ampatuans had amassed significant influence in the region as well as a private armed militia of over 2,000 armed guards. On 23 November, 100 of these guards blocked the convoy’s passage and massacred all those in the convoy, including innocent bystanders travelling on the same road. A number of members of the Ampatuan family, as well as the armed guards were subsequently arrested, and their trials were ongoing at the time of this report. Two family members of a witness to the massacre were shot dead a few weeks after the witness testified about the massacre in court. He had reportedly refused an offer of 25 million pesos (over US\$ 500,000) to recant his witness statement.<sup>168</sup> In February, reports warned that candidates continued to employ personal security forces, despite Government pledges to eradicate such forces by election day.<sup>169</sup>

65. The November massacre came just a month after a grenade blast at Marawi City Hall in Western Mindanao killed 3 people and injured 26 who were registering to vote for the 2010 elections.<sup>170</sup> No individual or group claimed responsibility for the attack, but officials stated that it was likely connected to other recent bombings by rebel groups (including the Moro Islamic Liberation Front and Abu Sayyaf).

66. In December 2009, attacks on election candidates in Northern Luzon and Eastern Mindanao left 4 dead.<sup>171</sup> On 31 January 2010, two local Mindanao officials were killed.<sup>172</sup>

<sup>163</sup> Daily Times, “24 killed in poll violence” (19 February 2008).

<sup>164</sup> European Union Election Observation Mission, “Islamic Republic of Pakistan — Final Report — National and Provincial Assembly Elections, 18 February 2008” (16 April 2008), p. 57.

<sup>165</sup> Patino and Velasco, note 19 above (recording killings in elections since 1986, based on media reports, they found: 1986 (153 deaths); 1988 (188); 1992 (89); 1995 (108); 1998 (77); 2001 (98)).

<sup>166</sup> Philip Alston and Frank LaRue, “UN Experts: Maguindanao massacre must be the start of a major reform process”, Press Release (2 December 2009).

<sup>167</sup> International Crisis Group, “The Philippines: After the Maguindanao Massacre”, Asia Briefing No. 98 (21 December 2009).

<sup>168</sup> Human Rights Watch, “Philippines: Protect Witnesses to Maguindanao Massacre” (8 March 2010).

<sup>169</sup> Norimitsu Onishi, “Filipino Politicians Wield Private Armies, Despite Ban”, New York Times (20 February 2010).

<sup>170</sup> Manila Times, “Separate blasts kill 3” (21 October 2009).

<sup>171</sup> International Crisis Group, “Crisis Watch” No. 77 (4 January 2010), p. 7.

<sup>172</sup> International Crisis Group, “Crisis Watch” No. 78 (1 February 2010), p. 7.

On 15 April 2010, another grenade attack killed two people in Maguindanao.<sup>173</sup> According to reports, the attack occurred during a meeting of political candidates, and the targets were the candidates for mayor and deputy mayor. Police reports indicated that from January–April 2010, at least 33 people had been killed in election-related violence.<sup>174</sup>

### Spain

67. Two days before 9 March 2008 general elections in Spain, an Euskadi Ta Askatasuna (ETA) gunman killed Isaías Carrasco, the former Mondragón town councillor.<sup>175</sup> Following the killing, both the governing Socialist Party and the opposition Popular Party (PP) suspended final campaign rallies. The ETA had put up posters calling for the elections to be boycotted, and engaged in intimidation in the pre-election period in the Basque region, which restricted the political activities of parties.<sup>176</sup> Over the last four decades, the ETA has killed an estimated 800 people, 20 of whom were killed during pre-election periods.<sup>177</sup> Most commentators explain the pre-election killings as attempts to disrupt elections, and to opportunistically raise ETA's profile.

### Sri Lanka

68. The lead-up to Sri Lanka's 26 January 2010 presidential elections saw hundreds of incidents of violence. During the campaigning period there were five reported election-related killings and five attempted killings.<sup>178</sup> A number of these killings were of supporters of one party, by identified supporters of another. In others, the attackers were unknown. In one incident, on 12 January, gunmen on motorbikes opened fire on a bus of opposition candidate supporters on their way to a rally, killing a 60-year-old woman and injuring four others.<sup>179</sup> On 16 January, a Rajapaksa supporter was shot dead in a clash with Fonseka supporters.<sup>180</sup> On 18 January, a Fonseka supporter was beaten to death while hanging Fonseka posters, and a grenade attack on an office of Rajapaksa's party resulted in one death. An additional two killings were reported in the week after the election.<sup>181</sup>

### Thailand

69. From early March 2010, crowds of protestors gathered in downtown Bangkok to demand that the current Government step down early and for elections to be held. The anti-Government protests are organized by the United Front for Democracy against Dictatorship

<sup>173</sup> Carlos H. Conde, "2 Philippine Candidates Killed in Election Violence", *The New York Times* (15 April 2010).

<sup>174</sup> See Carlos H. Conde, "2 Philippine Candidates Killed in Election Violence", *The New York Times* (15 April 2010).

<sup>175</sup> *The Guardian*, "Spain cancels election rallies after murder" (8 March 2008).

<sup>176</sup> Organization for Security and Cooperation in Europe, "Spain — 9 March 2008 — Election Assessment Mission Report" (28 August 2008).

<sup>177</sup> *Id.*; see also Amnesty International, "Spain: Amnesty International condemns ETA's campaign of threats and deliberate killings of representatives of political parties" (3 April 2008).

<sup>178</sup> Centre for Monitoring Election Violence, "Presidential Election 2010: Interim Report I" (25 January 2010).

<sup>179</sup> BBC, "Sri Lanka pre-election attack leaves one person dead" (12 January 2010).

<sup>180</sup> Centre for Monitoring Election Violence, "Media Communiqué No. 13" (16 January 2010).

<sup>181</sup> Centre for Monitoring Election Violence, "Presidential Election 2010 (Post Violence)" (31 January 2010); see also People's Action For Free and Fair Elections (PAFFREL), "Presidential Elections 2010 – Interim Report on Pre Election, Election Day, and on Post Election Period Ending 3rd Feb 2010" (4 February 2010).

(UDD) (the “red shirts”), and are composed of supporters of former Prime Minister Thaksin Shinawatra, as well as the rural and urban poor.<sup>182</sup>

70. On 10 April, an attempt by State security forces to disperse red shirt protestors in Bangkok led to a clash which has been characterized as “the bloodiest political violence in two decades [in Thailand]”.<sup>183</sup> Subsequent reports indicated that “15 civilians and 5 soldiers were killed by gunshots, explosions from grenades and improvised explosive devices, and beatings during the clash”.<sup>184</sup> Also, “at least 569 civilians, 265 soldiers, and 8 police officers were injured from tear-gas inhalation, assaults, and gunshot and shrapnel wounds”.<sup>185</sup> At the time of this report, the exact circumstances of the deaths were unclear, and responsibility not yet determined, although it appears that both protestors and security forces were responsible for deaths.

71. Subsequently, on 22 April, a series of blasts, reported to have been caused by grenade launchers similar to those used against soldiers on 10 April, killed 3 people and wounded at least 87 others.<sup>186</sup>

### Togo

72. Togo’s 24 April 2005 presidential elections followed the death of President Gnassingbé Eyadéma, who had ruled the country for 37 years.<sup>187</sup> The former President’s son, Faure Gnassingbé, emerged as the winner, amongst widespread irregularities at the polls, intimidation before election day, and extreme violence on election day and in the days following.<sup>188</sup> One NGO counted at least 150 dead; the United Nations estimated that at least 400–500 individuals were killed.<sup>189</sup> As vote counting began, State security forces, backed by militias close to the ruling party, attacked polling stations to steal ballot boxes. For instance, at the Bè Plage district polling centre in Lomé, members of the presidential guard’s commando unit fired tear gas and live rounds into the room where votes were being counted, and made off with the ballots.<sup>190</sup> One survivor of the Bè Plage incident described having to step over 30 bodies in order to escape.<sup>191</sup> Security forces also targeted and killed opposition supporters and their leaders.<sup>192</sup> When the results were announced on 26 April and Faure Gnassingbé was declared the winner, opposition supporters took to the streets in protest.<sup>193</sup> Security forces met protestors in the streets and responded with disproportionate force, firing live ammunition into the crowds, including from helicopters, killing many.<sup>194</sup>

<sup>182</sup> Human Rights Watch, “Thailand: End Political Violence, Bring Offenders to Justice” (12 April 2010); Seth Mydans, “Government of Thailand is Promised Support” New York Times (18 April 2010).

<sup>183</sup> Human Rights Watch, “Thailand: End Political Violence, Bring Offenders to Justice” (12 April 2010).

<sup>184</sup> Ibid.

<sup>185</sup> Ibid. A later news report stated there were 25 people killed, including 5 soldiers, and at least 900 others injured. See Seth Mydans, “Month of Unrest Hits Thai Economy”, New York Times (19 April 2010).

<sup>186</sup> Thomas Fuller, “Travelers are Warned to Steer Clear of Bangkok”, New York Times (23 April 2010); Jason Szep and Martin Petty, “Grenade blasts kill 3, wound 75 in Bangkok”, Reuters (22 April 2010).

<sup>187</sup> Amnesty International, “Togo: Will History Repeat Itself?” (July 2005), p. 1.

<sup>188</sup> Ibid.

<sup>189</sup> Ibid, p. 17; United Nations, “Hundreds Die in Togolese Unrest” (26 September 2005).

<sup>190</sup> Amnesty International, “Togo: Will History Repeat Itself?” (July 2005), p. 6.

<sup>191</sup> Ibid.

<sup>192</sup> Ibid., p. 1.

<sup>193</sup> Ibid., p. 7.

<sup>194</sup> Ibid., pp. 7–8.

Most of the protestors were unarmed.<sup>195</sup> The security forces also raided the homes of presumed opposition supporters, beating and killing residents.<sup>196</sup>

### Zimbabwe

73. The 29 March 2008 elections and June 2008 presidential run-off in Zimbabwe were marred by widespread violence, including at least 180 election-related killings and thousands of abductions and cases of beatings and torture.<sup>197</sup>

74. Most of the killings occurred after the March elections, during which a majority of voters had voted for the opposition MDC party over the ruling ZANU-PF party of President Mugabe. Before the June 2008 run-off, the security forces and ZANU-PF militias, “unleashed a campaign of intimidation, torture and murder against opposition activists, journalists, polling agents, public servants, civic leaders and ordinary citizens suspected of voting for the MDC”.<sup>198</sup> They launched “Operation Makavhoterapapi” to “punish those who supported the MDC on 29 March and intimidate them to vote for ZANU-PF in the run-off” and to “dismantle MDC structures by targeting party leaders and mid-level activists”.<sup>199</sup> The MDC stated that at least 43 of its members were killed and thousands displaced in the violence surrounding the run-off.<sup>200</sup>

75. Most of the survivors of ZANU-PF violence reported that they were attacked because they were accused of voting for the wrong party.<sup>201</sup> This type of organized election violence by ZANU-PF has been a feature of Zimbabwe’s general elections since 1980.<sup>202</sup>

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<sup>195</sup> Ibid.

<sup>196</sup> Ibid., pp. 5–7.

<sup>197</sup> International Foundation for Electoral Systems, “Mitigating Election Violence” (October 2009); Amnesty International, “Zimbabwe: Time for Accountability” (October 2008); see also Elections Institute of Southern Africa, “Election Observer Mission Report – Zimbabwe” (2008).

<sup>198</sup> International Crisis Group, “Negotiating Zimbabwe’s Transition”, Africa Briefing No. 51 (May 2008), p. 6.

<sup>199</sup> Ibid.

<sup>200</sup> Ibid.

<sup>201</sup> Amnesty International, “Zimbabwe: Time for Accountability” (October 2008), pp. 6–7.

<sup>202</sup> See Norma Kruger, ZANU-PF Strategies in General Elections, 1980–2000: Discourse and Coercion, *African Affairs*, vol. 104, No. 414 (2005).