

The smoking gun is Iran's voting process

Commentary by

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Monday, June 29, 2009

In the Daily Star, Lebanon

Iran's Guardian Council has ruled out an annulment of the controversial Iranian presidential election, but the debate about the credibility of the official results will not go away any time soon. Detailed analyses, such as a recent Chatham House study, raise serious doubts about the results, although until now they have produced no "smoking gun." But the smoking gun is in fact the election process itself. Iran's election laws are so short of minimal guarantees of transparency that any less-than-plausible results are bound to provoke a lack public confidence. There is no remedy now to a process that was so opaque that it could have been manipulated at any stage. The only solution is to hold new Iranian elections, with basic transparency safeguards.

From the outset, Iranian elections have been flawed. They are administered by the Interior Ministry and supervised by the Guardian Council - two institutions that lack independence and impartiality. The right to freely stand in elections is often violated, because numerous candidates are rejected by the Guardian Council.

Beyond these shortcomings, in the aftermath of the recent elections, human rights have been widely abused - student activists and street protestors have been killed, opposition leaders hindered from appearing in public rallies, and peaceful demonstrations broken up.

As far as transparency is concerned, Iranian election laws omit basic safeguards, necessary in any tense and conflict-prone election. A key feature of a transparent election is that all parties are provided with official result sheets of polling stations that can later be compared in case of dispute. These also need to be immediately displayed at polling stations so that both the public and the media can take note. When the results of various polling stations are added together at higher levels of the election administration, representatives of candidates should be permitted to be present and able to sign the official result sheets or register an official complaint. The aggregated results should then be immediately publicly displayed and placed on the internet.

Nothing of this nature is required in Iranian election laws.

Instead, nationwide results were announced a few hours after the close of polling stations. Three days later, the Interior Ministry published a breakdown of results by province and sub-province, but did not make public the official polling station results sheets. After a further three days, the ministry published the results of each polling station. Publication of the results in this way - top down rather than bottom up and without sufficient transparency - created a possibility of widespread manipulation.

The state authorities called on the opposition to substantiate fraud in front of the Guardian Council, which is responsible for reviewing election complaints. But the council is not impartial and the lack of transparency in the election process has

prevented the opposition from gathering evidence. Having not been given copies of official result sheets, how can it prove the official numbers are wrong? The opposition's ability to follow the results process was further hampered on election night when their communications were cut and their offices blocked.

The burden of proof should have been on the authorities to back up the official results. The Interior Ministry should have published detailed results immediately after the elections, not one week later. Furthermore, to this day, the results have not been substantiated. By law, five official sheets of polling station results had to be prepared, which are kept by various branches of the electoral administration. None of these have been published.

The problem now is that a process so lacking in transparency from the outset cannot be remedied in retrospect. Even a recount, whether partial or total, will not do. If the authorities wanted to commit fraud, the legal framework gave them ample time and opportunities to manipulate the numbers, change the result sheets, and swap ballots in the boxes. Only a complete re-run of the election with much greater transparency and a conducive human rights context can be a solution.

In the long term, the Iranian electoral framework should be overhauled to establish independent bodies that can manage the voting process and address complaints with impartiality. This would enhance public confidence in the elections and help avoid the controversy and bloodshed that have marred the elections over the past two weeks.

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