

Lack of Transparency Undermined Confidence in Results of Iranian Election

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Iran's Guardian Council has ruled out an annulment of the controversial presidential election, but the debate about the credibility of the official results will not go away any time soon. Detailed analysis, such as the recent Chatham House study, raises serious doubts about the results, although until now has produced no 'smoking gun'. But the smoking gun is in fact the process. Iran's election laws are so short of guarantees of transparency that any less than plausible results are bound to 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 elections, which include basic transparency safeguards.

From the outset, Iranian elections are flawed. They are administered by the Ministry of Interior 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 these 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 for widespread manipulation.

The state authorities have called on the opposition to substantiate fraud in front of the Guardian Council, which is responsible for reviewing election complaints. But the Guardian 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 down to each polling station immediately after polling, not one week after the elections. 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, 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 electoral framework should be overhauled to establish independent bodies that can manage the process and address complaints with impartiality. This would enhance public confidence in the electoral process and help avoid the controversy and bloodshed that have marred the elections over the past week.

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