

Thursday, July 30, 2009

How to confront the allegations of organized fraud in the Iranian elections?

By Chibli Mallat

Daily Star staff

The jury is still out on the Iranian elections of June 12, 2009. There are two key questions, one factual – what is the real result? – and one procedural – what to do about it?

Of the two, the factual question is the more pressing: were the elections rigged to the extent that they inversed the results? The Council of Guardians said no, but underlined irregularities that it considered insufficient to order new elections as requested by the losing candidates. On July 5, Mirhossein Mousavi issued an extensive report, which is excerpted here. I have not come across a detailed rebuttal of this report, which deserves careful study.

Elections are not rocket science. They boil down to simple figures computed on the basis of the individual voter. With 24,527,516 million votes awarded to Ahmadinejad against 13,216,411 million votes for Mousavi, the question is whether fraud could have taken place to the extent of 5.5 million votes, which would have tipped the results in favor of Mousavi.

Some 5.5 million votes is a large number, so rigging to this extent would have required elaborate planning. Three arguments in the Mousavi complaint are central. One is the printing of extra ballots to an unprecedented degree, about 22 to 32 million more than required for the number of registered voters.

Second is the number of “mobile” stations. This is an Iranian oddity, which is designed to facilitate voting in remote areas but is naturally prone to abuse. There were 14,000 such mobile stations, a third of all polling stations. Typically, they showed a much larger support for Ahmadinejad.

Third were the seals, 100,000, twice the number of polling stations, which would have been needed to stamp sets of stuffed boxes in the precincts. All three point to a real danger of large-scale fraud.

On the basis of Mousavi’s statement, and in the absence of a detailed rebuttal of over 50 specific accusations made in the report, a neutral jury reaches two interim conclusions:

The first is that disturbing indices – excessive printing of ballots, increased mobile stations, number of seals double those needed – point to a real risk of organized, systematic rigging to move at least 5.5 million votes from one side to the other. This is not a matter of confusion over a few hundred votes, as in the infamous Florida count of the US presidential election of 2000. The figures over ballot papers, mobile stations and seals are enough to question the whole basis of the election.

There is therefore a serious suspicion of prior intent, condoned at the highest level of the state, at least the Interior Ministry which organized the elections, and the Council of Guardians which turned a blind eye to troubling indices of fraud. This puts a grave criminal responsibility with the outgoing president and his government.

Was there in fact such organized rigging? The evidence of Mousavi points in this direction, but it is not decisive. Judgment on the election requires more precise data than the one provided in Mousavi’s study, which is short on data, and poor on law in the technical sense of the word. On law, a more reasoned, shorter, more precise and incisive Memo is needed.

On data, truth-seeking is constrained by the control of the accused riggers, the Council of Guardians and the Interior Ministry. This should be refined further with electoral experts.

Hence a third, procedural issue: what can or should be done about the elections at this late stage? In his extensive statement, Mousavi dismisses the Council Guardians of as a neutral body, showing that seven out of its 12 members have worked or taken a position for his rival before the polls. If the Council of Guardians is disqualified, is there a body in Iran which can remedy the grave breaches alleged? Surely not the Interior Minister, which should in any case be removed from power for triggering the most serious crisis since the Islamic Republic's establishment. This leaves the leader, who is spared in Mousavi's statement. But the leader wants this to be over, with no particular change.

In a grave situation like the one continuing in Iran, vindicating the validity of the vote requires a bolder move from those who challenge these results. To confirm the rigging, there must be a far more thorough investigation that builds on the grave findings of the Mousavi electoral statement.

If this cannot be carried out domestically, then the question is whether the myriad organizations that specialize in polls across the world should not be called in to help, even if this excites objections amid some in Iran over outside "interference."

In officialdom, democratic countries in the Organization of Islamic States, the EU or the UN Secretariat, including the Human Rights High Commissioner in Geneva, could take a role. Short of an official international investigation, the Mousavi statement deserves further examination by all concerned at the integrity of the Iranian citizen's vote.

Chibli Mallat is ***The Daily Star's*** law editor.