

Full text of Guardian Council report on **Iran** presidential election

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The full text of the detailed report of the Guardian Council on the presidential election

Fars news agency: the detailed report of the Guardian Council on the tenth presidential election is released. Fars news agency cites the Guardian Council information base and confirms the full text of this report as follows:

In the name of God the compassionate, the merciful

The detailed report of the Guardian Council about the tenth presidential election

"O ye who believe! stand out firmly for Allah, as witnesses to fair dealing, and let not the hatred of others to you make you swerve to wrong and depart from justice. Be just: that is next to piety: and fear Allah. For Allah is well-acquainted with all that ye do." (Ma'edeh Chapter [Koran], verse 8)

Introduction

In addition to preserving the Islamic law and the constitution, and ensuring that what is ratified in the Islamic Majlis is not against Shari'a law and the constitution based on Articles 99, 115, 118 and paragraph 9 of Article 110 of the constitution and civil law which stem from the constitution, Guardian Council is responsible for monitoring presidential election and is the only supreme source to deal with complaints and objections about the process of the elections. Therefore, via constant observation in a precise and timely manner, the Guardian Council after receiving complaints and objections, firstly, categorized them by taking advantage of lawful tools and will subsequently deal with them and express its verdict about the credibility of elections or lack of it.

On this basis, following the tenth presidential election which was a platform for maximum participation of people and had an immense impact on strengthening the system, promoting religious democracy and widespread manifestation of side by side elements of Republicanism and Islamism of the system once again, the Guardian Council took the situation of the country into consideration and in order to defuse threats and deceptions whilst promoting unity, the council decided to review the process of complaints and objections by taking certain measures for the first time. The Guardian Council has therefore published a detailed report of its investigation in two parts in order to illuminate the public: the Guardian Council's Actions and the Review of Complaints.

The Guardian Council's measures

What comes hereafter is a collection of measures taken by the Guardian Council in order to review the tenth presidential election and in order to protect votes of the honourable people of Islamic Iran. It is necessary to mention that some of these actions are unprecedented and the Guardian Council has taken those actions by taking the atmosphere of society into consideration, in order to provide more reassurances about the health of the election.

1- In line with fulfilling its supervisory duties and in order to ensure the health and credibility of the election, the Guardian Council invited the representatives of the candidates to the council to observe for themselves the full-fledged, precise and cautious process of supervising the election adopted by the council members on the day of the election. In this way the council tried to let honourable candidates to be informed about the process of supervision of the election. Accordingly, all four honourable candidates introduced representatives and positioned them in the Guardian Council and the council provided them with the required facilities to make swift

connections with officials responsible for supervision and after the voting was over until the dawn of Saturday 13 June 2009 these representatives closely witnessed the collection of votes. (See enclosed from number 1 to 8).

2- In less than three days after Friday 12 June 2009 the, Guardian Council-although not legally binding- invited the protesting candidates and expressed its preparedness to listen to their statements, and to receive their documents and evidence in order to prepare the ground for a better investigation. This session was held in the Guardian Council in the presence of the representatives of the honourable candidates while the process of dealing with complaints was discussed and debated. Messrs Mohtashamipour, Akhundi and [Mehdi] Hashemi represented Mr Mirhoseyn Musavi, Mr [Gholamhoseyn] Karbaschi represented Mr [Mehdi] Karrubi and Mr Danesh-Jafari represented Mr Mohsen Reza'i in the Guardian Council who have expressed their opinions. It is necessary to mention that these representatives also asked to be present at the public session of the Guardian Council as well. (See enclosed from number 9 to 12). In the meantime, in addition to the presence of these honourable representatives of candidates in the Guardian Council on Tuesday 16 June 2009, they met the eminent leader and expressed their views in detail and his holiness provided them with the required guidance and encouraged them to resort to self-restraint and recommended them to pursue their demands via legal channels. His holiness also recommended the Guardian Council to consider the evidence, documents and listen to their words and objections, and only after investigating the matter thoroughly pass a verdict within the framework of law and Shari'a.

3- On Saturday 20 June 2009 following the invitation made by the Guardian Council to the protesting candidates in order to take part in the council's public session, only Mr Mohsen Reza'i took advantage of this invitation and took part in the public session of the Guardian Council, and expressed his viewpoints directly with honourable members of the Guardian Council. In this session, it was decided that Forms 28 must be made available and 10 per cent of the ballot boxes should also be made available for the recount in six provinces with Mr Reza'i's representatives' presence. (See enclosed from number 13 to 15). Right after Mr Mohsen Reza'i introduced his representative the recount of votes started in specific polling stations; votes from Kermanshah Province and approximately half of the votes across the towns of Fars Province and some towns of Isfahan as well as Khuzestan Province were recounted in the presence of Mr Mohsen Reza'i's representatives, members of the executive committees and the Guardian Council observers. After the end of the recount, no significant discrepancy was found between the announced results and the results of the recount. In this way, Mr Mohsen Reza'i on 23 June 2009 sent a letter numbered M/01-332 and officially expressed his decision to rescind his complaints in this regard. (See enclosed number 16). In addition, the Guardian Council expressed its position to investigate issues in the presence of two other candidates (Messrs Mehdi Karrubi and Mirhoseyn Musavi) and provided them with this opportunity once again to express their opinion or provide their evidence or legal objection which they had failed to express those in writing or via their representatives. Nonetheless, despite constitutional and civil laws which exist to deal with such matters as elections and despite the fact that the country has a thirty-year shining experience across various kinds of elections and referendums - considering that the tenth presidential election regardless of its significance and credibility is not the first and will not be the last election in the system of the Islamic Republic - certain honourable candidates instead of adhering to law and referring matters to the relevant sources for the investigation of their objections and complaints issued statements and invited people to take to streets, and in this way disrupted natural and legal process of the election.

4- The Guardian Council held a session on Tuesday morning 16 June 2009 with the presence of three representatives of protesting candidates. In addition, despite the fact that the legal deadline for receiving and investigating complaints and protests were over, for providing better reassurances, this deadline was extended for another five days following the agreement of the eminent leader. (See enclosed number 17).

5- When the deadline for investigations into complaints and objections was extended in order to make best use of this opportunity, the Guardian Council held meetings with senior sources of emulation, seminary scholars and active and prominent figures across political and social arenas. Furthermore, the Guardian Council dispatched delegates to the holy city of Qom and arranged meetings with their holiness Makarem-Shirazi, Javadi-Amoli, Safi-Golpaigani, Sobhani, Musavi-Ardebili and their holiness Amini, Mas'udi-Khomeyni, and in Tehran with their holiness Shahruddin, Reyshahri and Nateq-Nouri in order exchanged opinions as required. During their meetings with senior sources of emulation, scholars and religious, political and social figures, the Guardian Council members handed in a report about the performance of the council with regards to the important matter of the election and listened to valuable opinions and information of these prominent figures

especially to the recommendations of the senior sources of emulation. The Guardian Council took advantage of all these opinions in pursuing and investigating complaints and objections received.

6- Additionally, the Guardian Council wrote to a number of prominent figures in the country including Messrs [Ali] Larijani, the honourable Majlis Speaker, Pourmohamadi the honourable chief of the country's inspection organization, Qalibaf, the honourable mayor of Tehran, Reyshahri, the honourable chief of his holiness A'bdola'zim Hasani (peace be upon him) shrine and ... [ellipsis as published] in line with completing required evidence, documents and make use of the documented and legal verbal and written communications of these individuals. So, if they have any evidence in their possession which can help the Guardian Council in its investigation, decision making and expression of opinion, they are given the chance to forward such evidence to the Guardian Council. (See enclosed from number 18 to 21).

7- Despite a delay in cooperation or lack of it by some protesting candidates the Guardian Council not only extended the deadline for a more precise investigation into objections over the counting of votes and the process of the election, but also formed a special committee consisted of prominent figures in the system and country's social and political elite and asked them to listen to relevant statements, and collect required evidence and documents from across the country in order to review and investigate the issue of the election. So, following the reception of the expert report from this committee, the Guardian Council can make a final decision and announce a thorough and final verdict with regard to the election. (See enclosed from number 22 to 27).

8- This committee was formed consisting of Hojjat-ol Eslam Abutorabi, Dorinajafabadi and Rahimian and Messrs Dr Hadda'del, Dr Velayati and Dr Eftekharijromi. Following the first session of this committee the two protesting candidates were asked to introduce their representatives in order to take part in a session for recounting a minimum of ten percent of the ballot boxes in the country. The Guardian Council sent two letters to these candidates (see enclosed from number 28 to 29) but unfortunately, Mr Musavi did not send his representatives within the deadline set by the council and only released a statement. (See enclosed number 30). Mr Karrubi also initially demanded a change in members of that committee, nonetheless, once again he released a statement insisting annulment of the election. (See enclosed from number 31 to 32).

9- In the final hours of Sunday 28 June 2009, a political figure contacted the Guardian Council and stated that he had negotiated with Mr Musavi and his representatives and he said that they had expressed new demands and had asked the Guardian Council to review their new demands. The Guardian Council agreed to this and therefore held a session in the presence of two members of the special committee and two members of the Guardian Council in order to discuss the following four points:

- a- Recounting of votes in four provinces
- b- Comparing serial numbers of the birth certificates with the serial numbers of the receipt of the ballot papers
- c- Investigating the number of printed ballot papers and the number of existing ballot papers
- d- Investigating handwritings on the ballot papers and ensuring that the ballot papers have not been filled out by one person (See enclosed number 33)

Despite difficulties that such demand brought with it and despite time constraint (only one day) for the council in order to deal with these demands, the Guardian Council agreed to investigate these matters in the meeting of the four-member-committee. Nonetheless, it was agreed that this needs to be asked in writing by Mr Musavi and sent to the Guardian Council. Unfortunately, after the meeting between two members of the special committee with Mr Musavi's representatives (Messrs Mohtashamipour and Musavi Lari) on Sunday evening, it was decided that the final decision regarding this demand in written form would be made on Monday 29 June 2009. At the end Mr Musavi avoided making his request in writing and raising the above four points in an official way and therefore this was never investigated. On Monday Messrs Mohtashamipour and Musavi Lari handed in a written text to the special committee in which in addition to the above four mentioned points other unusual demands were also made which seemed to be for wasting time rather than trying to resolve the matter via legal

sources. (See enclosed number 34). The special committee published its report following the lack of cooperation received from the candidates. (See enclosed number 35).

10- After we made sure that the honourable protesting candidates are not cooperating, the Guardian Council ordered the recount of 10 per cent of the ballot boxes in the presence of the cameras of the Islamic Republic of Iran Broadcasting and in the presence of those trusted in each town as well as the chief of Islamic councils in each town, and where possible in the presence of the representatives of the candidates who were present in polling stations on the day of the election. Over three hundred candidate representatives were present in the recounting of votes.

At the end of this section, we would like to stress that on the day of the election a supervising committee was formed in each and every city and town across the country consisting of cultural, academic and seminary scholars and individuals from all layers of religious, revolutionary and always-on-the-platform people. This committee in the presence of honourable representatives of each of the candidates took advantage of advanced scientific and known methods in order to make extensive, public, efficient and effective observation of the election and the Guardian Council also supervised the process of the election via its seven-member committee known as "central committee for supervising the election". The Guardian Council also monitored the performance of the supervising committees across cities and towns. Therefore, based on the above points, everyone will accept that it is practically unimaginable and illogical for the occurrence of any widespread violation which can seriously endanger the health and credibility of the election. Based on the above points, by taking advantage of all its legal facilities and capacities and relying on God's grace and strength, the Guardian Council can reassure dear citizens, specially candidates and their supporters, that the council has remained with the people and has represented them in defending their legal and religious demands and has made every effort to fulfil its duties in this regard.

Review of complaints and objections

Received complaints and their analytical review:

The Fars news agency report stresses that the Guardian Council has in a timely manner investigated collection of objections and complaints after receiving them, and by classifying those complaints and taking advantage of all legal tools at its disposal, has dealt with these complaints. And now it publishes the outcome of its investigations to illuminate all layers of the great nation of Iran, officials and specially those who took part in one way or another in the recent election. Before dealing with the content of complaints and objections, it is necessary to provide a definition of a constituency and polling station. As opposed to other kinds of elections in the country such as Assembly of Experts, Islamic Majlis and council elections in which each city or province in proportion with its geographic and regional characteristics is required to introduce a specific representative or representatives, in the presidential election only one person is introduced as the symbol of the national will and is known as the president. Therefore, in the presidential election the entire country is taken to be one polling station and each and every Iranian, regardless of being inside or outside the country, can take part in the election. In the tenth presidential election about 46,000 ballot boxes were allocated for honourable people of Iran inside and outside the country so that they can cast their votes. Therefore, the total number of the boxes shows an increase of 1.2 per cent compared to the previous presidential elections. Out of this total number of boxes 14,294 boxes were mobile. (See enclosed number 36).

Classifying complaints and objections based on their subject

The received objections and complaints were initially divided into two subjects of joint complaints and specific candidates' complaints. They were then divided into the following three categories: A- Complaints and objections about the day of the election. B- Complaints and objections about the counting of votes and announcing the results. C- Objections and complaints about stages before the above two mentioned phases i.e. activities during the days in the run up to the Election Day up until 12 June 2009. (See enclosed from number 37 to 48).

A- Complaints and objections about the day of the election:

On the day of election and whilst voting was underway from about 46,000 ballot boxes only 122 reports were submitted by the honourable representatives of the presidential election candidates to the Guardian Council: Mr Mohsen Rezaei's representative submitted 12 reports, representative of Mr Mehdi Karrubi 24 reports and representative of Mr Mirhoseyn Musavi 86 reports. These reports were investigated on the same day in extensively and thoroughly by the Guardian Council observers across the country. The majority of these complaints stemmed from false assumptions or concerns over possibility of a violation. For insistence, the headquarters of one of the honourable candidates submitted various reports to the council in which very generally and without referring to any details-even name of the relevant polling station- violations were reported, some of which comes hereafter as an example:

I. Tabriz, Isfahan and Tehran (Tehranpars) polling stations have run out of ballot papers, in certain areas there are not enough number of polling stations for people to cast their votes, internet and mobile phone networks have been disconnected, it is not possible to recognise the difference between mobile ballot boxes and fixed ones, national registration number is not written on the ballot papers, electoral stamp is put on the page allocated for receiving food rations, inability to cast vote due to the lack of adequate number of ballot papers in the cities of Tabriz and Shiraz and that people were asked to go back to their homes which is based on a BBC report...[ellipsis as published], these are some part of the reports which have been received by the council.

II. Other issues were also reported which were not principally election violations and the person reported them due to his lack of familiarity with basic rules and he reported them as violations. We refer to some of them here as examples:

Voting on buses, two mobile polling stations located in a short distance away from each other, taking a mobile polling station to a school which had a fixed ballot box and existence of mobile and fixed ballot boxes in the vicinity of each other in certain areas. A brief look at the subjects mentioned proves that firstly, whilst respecting and welcoming concerns of those who have reported these matters, there is no record of any issue which can be interpreted as election violation. Secondly, even if the above mentioned points did really happen they have been dealt with via coordination of observers and administrators in various parts of the executive branch across this great and huge country on the sensitive and significant day of the election normally in the fastest possible way. Thirdly, the location of mobile boxes alongside fixed boxes has been a normal practice especially in elections which have seen crowds of enthusiastic people who wanted to cast their votes and this is not something new, therefore not something that can be categorized as a significant election violation. Fourthly, the honourable representatives of the candidates at the end of voting insisted and confirmed the health of the election which this proves any claims about uncertainty and violation in the election afterwards is baseless. Written evidence of the candidates' representatives clearly insisting on the health of the election is available and if necessary can be given to the media to inform the public. In addition, the Guardian Council has also, in this round of the election, adopted new methods such as allocating a space on ballot papers for a supervising stamp in order to ensure the health of the election.

B- Complaints and objections about the counting of votes and announcing the results:

Following the completion of the election and the announcement of the outcome of the election by the honourable interior ministry, the honourable candidates expressed their complaints by sending letters. Mr Mohsen Rezaei made 72 complaints, Mr Mehdi Karrubi 108 complaints and Mr Mirhoseyn Musavi 304 complaints. After the Guardian Council received the above mentioned letters which had general subjects and no evidence or documents were attached to substantiate these claims, the Guardian Council ignored the problems in the format of the complaints and investigated them. By forming various sessions and designating experts, the Guardian Council started analysing and investigating each and every complaint received. Initially, complaints made by the honourable candidates were divided into two groups of joint complaints and specific complaints and all the complaints were investigated following the reports which were received on the day of the election. It is necessary to mention that although candidates failed to make their complaints within legal deadlines, in order to show cooperation and caution with protesting candidates, the Guardian Council reviewed all reports received bearing in mind that the council was not legally bound to do so. It invited the honourable candidates on Saturday 20 June 2009 i.e. 5 days after the end of the deadlines for receiving complaints and provided protesting candidates with a new opportunity to express their complaints directly in person to the honourable members of the Guardian Council, in case for whatever reason they have failed to make their complaints in writing. Nonetheless, only one of the candidates took advantage of this. In addition to this

opportunity the Guardian Council provided the candidates with another opportunity i.e. waiting to listen to the opinion of the protesting candidates until the final days before officially announcing its final verdict. The complaints made by the honourable candidates were divided into the following categories and headings.

1- Headings of the candidates' joint complaints

- a- Complaints about inadequate number of ballot papers in certain polling stations
- b- Preventing candidates' representatives from entering polling stations or their dismissal from certain polling stations
- c- People working in polling stations interfered in the process of voting and encouraged people to vote for a specific candidate
- d- Failing to stamp birth certificates and allowing people who were not eligible to cast their votes
- e- Forcing people to use pens available in polling stations
- f- Carrying out election campaign on the day of the election in favour of a certain candidate
- g- Moving mobile ballot boxes to a different location for people to vote
- h- Failing to extend the time of voting and shutting down polling stations before people are given the chance to vote
- i- Buying and selling of votes
- j- Taking advantage of governmental facilities
- k- Sealing ballot boxes in private and without the presence of candidates' representatives and adding up the results of the ballot boxes without their supervision
- l- Lack of presence or supervision of the candidates' representatives at the time of adding up the number of votes
- m- Presence of more than 100 per cent of those eligible to vote in certain constituencies

Following the investigations of the above mentioned issues the Guardian Council inspectors were dispatched to review these complaints and what comes hereafter is the outcome of their investigations:

a- Complaints about inadequate number of ballot papers in certain polling stations

I. From the total number of 45,692 ballot boxes across the country most complaints came from the representatives of Mr Mirhoseyn Musavi who announced that across the country 51 polling stations did not have enough ballot papers. Most of these reports did not have legal evidence attached to them and did not even have full details of the person who has reported them; most of the reports came in the form of quotations with a number of intermediaries.

II. Regardless of the accuracy or the truth of the reports made by the honourable candidates' representatives, lack of ballot papers in above mentioned number of polling stations forms an insignificant percentage of the entire ballot boxes across the country which cannot have an impact on the general process of the election. In cases where ballot papers ran out in a very small number of polling stations, the voters either had to wait a bit for ballot papers to be dispatched to that polling station and therefore vote in that station or they had to go to a nearby polling station to cast their votes. Documented and evident reports of the Guardian Council observers

and inspectors from across the country proves that none of the polling stations were shut down due to lack of ballot papers and those polling stations which were faced with huge number of participants ran out of ballot papers, voting was delayed there and ballot papers were immediately dispatched. (Similar incidents have also occurred in many of the previous elections in the country.)

III. Regarding the number of ballot papers printed and the issues about them, we must say: Following the receipt of complaints made by honourable candidates, the Guardian Council dispatched its special inspectors to the country's election headquarters and the printing house of the Islamic Republic of Iran Melli Bank (where election ballot papers were printed). The dispatched inspectors made a thorough investigation and by looking at various minutes of meetings, in the letter numbered 88/11/33583 dated 30 June 2009 announced that the Ministry of Interior printed 58,875,000 ballot papers before the election. Besides, on the day of election i.e. 12 June 2009 after coordination with the Guardian Council and in order to prevent potential shortage of ballot papers and to ensure timely distribution of the ballot papers across the country another 2m extra ballot papers were printed. It is necessary to clarify this point that in all previous elections due to the fact that the voting population across the country is mobile the Ministry of Interior always would print a significant number of extra ballot papers more than the number of people eligible to vote. In this election also a similar approach was taken and ballot papers allocated to each province were given a specific serial number to prevent the moving of ballot papers from one province to the other. Although this helped the health and precision of the election, due to huge turn out on the Election Day many polling stations were sent new ballot papers and it was not possible to use ballot papers from one province in another. Due to this reason ballot papers printed on the day of the election were not allocated any provincial serial numbers. (It is worth mentioning that all printed ballot papers before the day of the election and on the day of the election had general serial numbers).

It is necessary to mention that on 12 June 2009, in total 39,371,214 ballot papers were used across the country and 650,000 ballot papers remained in the printing house of the Melli Bank. The details of the sealed ballot papers signed by representatives of the country's election headquarters, security services of the Ministry of Interior, the security of Melli Bank printing house and the Guardian Council and representatives of Melli Bank are available in this council. If the total of ballot papers remaining in the quarantine of the printing house, governors offices and council offices across the country are deduced from the total number of ballot papers printed 20,853,786 ballot papers will remain, and based on the election law and relevant guidelines the remaining ballot papers from each polling station must be returned to the country's election headquarters. In line with fulfilling this legal requirement 20,719,162 ballot papers were submitted to the executive committees across the provinces and the remaining of those 100-paper ballot books - some of which were used after the votes - were counted and sealed alongside used ballot papers in the ballot boxes. These remaining ballot papers are now available in ballot boxes. It is worth mentioning that 570,000 ballot papers were sent for Iranians who lived abroad. (See enclosed number 49). Therefore, by thorough and extensive investigations of expert observers and special inspectors of the Guardian Council, printing of ballot papers have been completed in the regular way and ballot papers have not been distributed illegally.

Furthermore, with regard to inappropriate distribution of ballot papers and lack of adequate measures taken in certain polling stations which led into a brief delay in allowing people to cast their votes, the Ministry of Interior received a warning from the Guardian Council on the day of the election. By making the best possible effort to fulfil its executive duties, the ministry took the required measures to distribute ballot papers in an accurate and swift manner. Nonetheless, due to people's unprecedented turnout and inappropriate distribution of ballot papers in a minority of polling stations, there were problems in polling stations. The Guardian Council and the Ministry of Interior, however, dealt with these problems immediately in a way that minor problems and the delay caused, which is normal in any election, would not have any impact on the process of the election.

b- Preventing the representatives of the candidates from entering polling stations or their dismissal from some of the polling stations

Based on the supplementary law of the presence of the presidential candidates' representatives in polling stations ratified back in 2000 by the Islamic Majlis, honourable candidates can introduce representatives in order to be present in polling stations. Therefore, the election headquarters in the Ministry of Interior designed an internet website for the representatives to register their interest to prepare grounds for their presence in polling stations. Although clause 2 of the above mentioned supplementary law stipulates that the candidates can introduce their representatives only five days before the election, nonetheless, based on the reports by the

Ministry of Interior, this legal clause was ignored by the honourable candidates and a significant number of the candidates' representatives were introduced to the election headquarters and governor's offices on 9 June 2009 i.e. three days before the day of the election. Despite the fact that they missed the legal deadline, these representatives were provided with ID cards in order to be present in polling stations. Therefore, Mr Mohsen Reza'i in 12 per cent of the polling stations, Mr Mehdi Karrubi in 30 per cent of the polling stations, Mr Ahmadinezhad in 72 per cent of the polling stations and Mr Mirhoseyn Musavi in 89 per cent of the polling stations had representatives. Following thorough investigations made by the Guardian Council and obtaining the statistics requested by the honourable candidates, Mr Mohsen Reza'i, introduced 5,421 representatives to the Ministry of Interior and governors' offices all of whom were issued an ID card. Mr Mehdi Karrubi introduced 13,506 representatives and Ahmadinezhad introduced 33,058 representatives to the Ministry of Interior and governors' offices all of whom were issued with ID cards. Mr Mirhoseyn Musavi also introduced 45,692 representatives to the Ministry of Interior and governors' offices 40,676 of whom were issued with ID cards and the reason the rest of them did not receive ID cards is because they failed to provide the required documents. (See enclosed number 50). With regard to dismissal of candidates' representatives from polling stations which was one of the other complaints made by honourable candidates, the Guardian Council made a thorough and precise investigation. On the day of the election from the total of 45,692 ballot boxes 90 reports were received by the Guardian Council about the dismissal of representatives or that the representatives were not allowed into the polling station. Mr Mohsen Reza'i's election headquarters reported 3 cases, Mr Mehdi Karrubi's election headquarters reported 14 cases and Mr Mirhoseyn Musavi's election headquarters reported 73 cases. Reports received were generally without any evidence or documents and were therefore unacceptable. Nonetheless, in order to act upon our duties and fulfil a thorough supervision of the process of the election all reports, even those incomplete and ambiguous, were investigated with precision. Following the investigations, it became clear that those representatives who claimed that they were dismissed from the polling stations were not officially representatives of the presidential election candidates and there has been no report of any problem for those representatives who had ID cards. Across the country from 45,692 ballot boxes, some candidates' representatives started to interfere in the voting process and were in breach of legal process and after an initial warning based on clause 5 of the supplementary law about the presence of the presidential election candidates' representatives in polling stations, they were dealt with. Based on evident reports actions were taken against five representatives.

c- People working in polling stations interfered in the process of voting and encouraged people to vote for a specific candidate.

One of the other complaints which were expressed as a sign of election violation by candidates was report of interference of members of polling stations in the form of encouraging people to vote for a specific candidate. Out of 45,692 ballot boxes, in total 150 complaints were received in this regard by the Guardian Council. Thirty cases were raised by the election headquarters of Mr Mohsen Reza'i, 46 cases by the election headquarters of Mr Mehdi Karrubi and 74 cases by election headquarters of Mr Mirhoseyn Musavi. Although voters prepared themselves to vote for their certain candidate and the case of encouraging or enticing them to vote for a different candidate in the polling station is very insignificant, and speaking about such a case is in a way an insult to the intelligence of the voters.

Apart from this the total number of complaints received in this regard which is 150 compared to the total number of ballot boxes, which is 45,692, forms an insignificant number. However, after the Guardian Council received these complaints, it launched a thorough investigation and by taking advantage of legal inspectors, it reviewed the accuracy and truth of such reports. The outcome of the investigations proves that from the collection of complaints received, some were unsubstantiated and at times untrue, and in very few cases in which such a breach had happened immediately legal actions were taken.

d- Not stamping birth certificates and allowing people who were not eligible to cast their votes.

From the total number of ballot boxes which is 45,692 in total 49 reports were received by the Guardian Council from across the country about failures made to stamp birth certificates of the voters and votes were taken from people who were not eligible to vote. From the total of these reports three cases were made from the election headquarters of Mr Mohsen Reza'i, 15 cases were received from the election headquarters of Mr Mehdi Karrubi and 31 cases were received from the election headquarters of Mr Mirhoseyn Musavi. From the total of these complaints some were jointly made by the candidates. Immediately, after receiving these complaints, the

Guardian Council took advantage of supervisors and tried to find out the accuracy and truth of these reports. Investigations showed that these reports were formed on the basis of inaccurate imagination. For example, in the reports sent from the election headquarters of one of the candidates, there is a claim that: Stamps are put on food ration part of the birth certificate. It is clear on the basis of such reports one cannot question the accuracy of the election.

e- Forcing people to use pens available in polling stations.

This issue was raised in complaints of some honourable candidates. It in fact stems from a rumour which was spread across society a few days before the election. Although there were rumours about use of false pens in the election, no evidence was found to prove this rumour and not even one false pen was found across the country. Furthermore, despite the complaints made in this regard - which were all without evidence - there were no reports in any polling stations that people were forced to use the pens available in the polling station. Besides, even if the claim is true, it is not clear those who would have used the pens available in the polling station would vote for which candidate. Referring to this matter as an example of election fraud does not have any legal bearing and mentioning of such matters without evidence and documents seems to be more of a struggle over election rather than election fraud.

f- Failing to extend time of voting and shutting down polling stations.

Out of the total number of ballot boxes which is 45,692 across the country, 17 cases of complaints were received about lack of extending the time of voting by the Guardian Council, 8 cases were made by the election headquarters of Mr Mohsen Reza'i, 1 case was raised by the election headquarters of Mr Mehdi Karrubi and 8 more cases were received from the election headquarters of Mr Mirhoseyn Musavi. In this election similar to other elections due to the unprecedented turnout, the time of the voting was extended four times. Moreover, this time the voting started at 8 a.m. as opposed to the usual starting time of 9 a.m. Based on the Article 20 of the presidential election law, the time of voting is 10 hours. The Ministry of Interior plays no role in allocating this time and the law has clearly stipulated the total number of hours for voting. Therefore, the rumours about polling stations, which were shut down, stem from a lack of knowledge about the law. According to Clause 1 of the above mentioned Article, extending the time of voting and the recognition of the need to do so is on the minister of interior. In this election, voting started from 8 a.m. on Friday 12 June 2009. According to the above mentioned article at 1800 it reached its legal end. After that time and following the widespread participation of people the minister of interior extended the time of voting by four hours, until 2200. Nonetheless, towards the end of voting time, the country's election headquarters made an announcement in the form of a letter saying that until the time there are voters waiting to vote behind the doors of polling stations, voters must be directed inside the polling stations and they must be given the chance to cast their votes. Based on this announcement and credible reports, all polling stations were active up until the time people were present to vote and there has been no news of any polling station closing down the station to stop people from voting. It is worth mentioning that some of the polling stations in Tehran and Golestan province were open until 1.30 to 2.00 a.m. to take people's votes. (See enclosed from number 51 to 52).

It is necessary to mention that only after the time of voting is over, when there is no voter inside the polling station, the executive team in the station can open ballot boxes and start counting the votes. If under such a circumstance individual or individuals go to the station to vote, it is considered illegal to take their votes. After the investigations were carried out, we found out that most of the complaints about the polling stations which have refused taking people's vote were due to this legal reason.

g- Buying and selling of votes

Out of the total number of ballot boxes across the country which is 45,692, a total number of 10 reports were received about selling and buying votes by the Guardian Council on 12 June 2009. Three cases were raised by the election headquarters of Mt Mohsen Reza'i, three cases raised by the election headquarters of Mr Karrubi and four cases were raised by the election headquarters of Mr Mirhoseyn Musavi. Before investigating into the accuracy and truth of these cases, one must pay attention to the total number of claims in this regard i.e. 10 and compare it with the total number votes taken which are approximately 40 million. Even so, the Guardian Council - based on its inherent duty and without paying attention to the insignificant impact of this number of violations on the health of election - started its investigations into these report without negligence quite robustly.

However, not even a single shred of evidence was found to substantiate this claim across the entire country. It seems that expression of such a claim especially based on the report of one of the candidates who has claimed that votes were bought for 5000 tomans [approximately five dollars], regardless of being inaccurate, it is also an insult to the voters' intelligence and awareness.

h- Moving ballot boxes elsewhere

On the day of election 11 reports - out of the total number 45,692 ballot boxes - were received by the Guardian Council about the relocation of ballot boxes. One of the reports were made by the election headquarters of Mr Mohsen Reza'i, three reports were made by the election headquarters of Mr Karrubi and seven reports were made by the election headquarters of Mr Mirhoseyn Musavi. Each case was thoroughly and in detailed investigated by the Guardian Council the outcome of which showed that these claims were unsubstantiated. To add to the above mentioned investigations, on the day of election and amongst the unexpected crowd of people in the polling stations, and in the presence of the Guardian Council observers and the candidates' representatives, it is not possible to take such a measure. Creation of such ambiguities effectively means disregarding the enthusiastic atmosphere of election and presence of crowds of people and individual beliefs of each of the people who were present in polling stations.

i- Election campaign on the day of election in favour of a certain candidate

Complaints about illegal propaganda on the day of election are amongst the issues to which candidates have referred in their complaints. In this regard, a total of 67 reports have been received from the polling stations across the country. A significant portion of these reports are in a manner that even if one acknowledges the alleged violation, it cannot be interpreted as a sign of election violation, and the Ministry of Interior as the organization which administers the election cannot be held accountable. For example, various reports have been received by the election headquarters of Mr Mehdi Karrubi and Mirhoseyn Musavi about cars passing by on which photos of a specific candidate were displayed and even the number plate of the cars were provided. It is clear that this offence and similar offences mentioned in their reports is not relevant to the source which holds the election. Therefore based on these reports, if there has been electoral campaign for or against any of the candidates near the polling stations the Guardian Council by the help of its representatives inside the polling stations and by the help of the security forces available in the area would have acted against such offences and tried to resolve them.

j- Taking advantage of governmental facilities

Although this complaint also like other complaints lacks any adequate evidence and it is not clear exactly what governmental facilities have been used, because the incumbent president has allegedly been using governmental aeroplanes for his election campaign. It was necessary to investigate but at the end it became clear that the reason behind this was a ratified law by the National Security Council on protecting senior officials in the country.

k- Sealing ballot boxes in private and without presence of candidates' representatives and calculating the results of the ballot boxes without their supervision

Based on the Article 29 of the presidential election law, sealing empty ballot boxes must be carried out in front of the representatives from the supervising committees i.e. the Guardian Council representatives. The number of ballot boxes and the fact that they are empty must be recorded before the voting starts and must be signed by the Guardian Council representatives. Clearly, the presence of the Guardian Council representatives and the executive committees in this stage was necessary and basically all boxes must have been sealed in the presence of the Guardian Council representatives. According to the law the presidential candidates' representatives could have also been present in the polling stations to witness the entire process of election including the sealing of ballot boxes. This was not obligatory; however, lack of their presence could not have stopped ballot boxes from being sealed which could have led into a delay in the process of voting. Therefore, based on our investigations, in many of the polling stations candidates' representatives although aware of the time of voting turned up to carry out their duties one or two hours after the voting had started. It is clear that under such a circumstance the election could not be delayed and people could not be forced to wait due to the fact that the representatives have turned up late. Also even if this violation happened, it probably occurred in

the early hours of the voting and naturally the reports of such violations should have been sent to the Guardian Council alongside other reports which were sent by the candidates. The honourable candidates have not even sent one single report from the total of 45,692 ballot boxes about representatives who have allegedly been stopped to enter polling stations at the time of sealing ballot boxes. It is logical that when election headquarters of a candidate reports passing of a car in the street for carrying photos of a certain candidate, they should have raised such an important issue to the council in precise manner. As it was explained, based on the existing evidence and documents - which can be given to the media, if necessary - no reports were received from candidates in this regard, although two of the honourable candidates made complaints and objections in this regard on 15 June 2009 i.e. three days earlier. Of course, in these complaints the name of the polling station was not mentioned where the representatives were could not observe the sealing of the ballot boxes. Mentioning general issues and relying on what one has heard or speculated seems to be the only evidence on the basis of which such complaints have been made.

l- Lack of presence or supervision of the candidates' representatives at the time of adding up number of votes

According to the article ratified in the Islamic Majlis on 20 August 2000 which allows the representatives of the presidential election candidates to be present in the polling stations, two of the honourable candidates sent 54,182 representatives to polling stations, governors' offices and the centres for adding up votes. The evidence to this effect is hundreds of letters sent by these candidates' representatives to the Guardian Council from various polling areas in various cities each of which include tens and hundreds of polling stations. In these letters, the candidates' representatives expressed satisfaction over holding the magnificent election. They stressed the health of election and appreciated the credibility of the election. All these letters are available in the Guardian Council and if necessary can be given to the media.

In the country's election headquarters and in the central election supervising committee, the honourable representatives of the candidates were present and have observed all aspects of adding up and announcing the outcome of election. Many of them left their desks at 6 a.m. on Saturday 13 June 2009. Therefore creating doubt and uncertainty about the presence of the candidates' representatives at the time of adding up the votes based on the existing evidence is unbelievable. It is therefore an unreal claim. However, regardless of the clear existing evidence, the Guardian Council asked the honourable candidates time and time again to provide the council with any evidence and examples about the discrepancy in the election results, or adding up of the results in any polling station so that the council be able to investigate and illuminate the public. Although the deadline for reviewing the complaints based on the order from the eminent leader of the Revolution and requests from this council was extended, no documents or evidence were received. In the meantime, during the recounting of the votes, the polling stations selected in the provinces of Isfahan, Fars, Khuzestan and Kermanshah, where recount was carried out due to a request made by Mr Mohsen Rezai, and also during the recounting of the votes which was carried out due to an initiative made by the Guardian Council in order to investigate any doubts about the health of election, no significant discrepancy was found between the outcome of the election and the result of the recount.

m- Presence of more than 100 per cent of those eligible to vote in certain constituencies There is no doubt that one of the wishes of any political system is maximum participation of people in the elections. This important point was materialized by the 98.02 per cent participation of honourable people of Islamic Iran during the exciting and everlasting epic participation of people in the referendum for the system of Islamic Republic when the entire world witnessed unity and the trust shared by the people of Iran towards the system of Islamic Republic. Eighty-five per cent participation of the honourable people of Iran in the tenth presidential election, thirty years after the foundation of the Islamic system, shows the depth and strength of the link between people and the system of the Islamic Republic and is a reminder of the everlasting epic made during the referendum over the Islamic Republic. Unfortunately, this significant point which is certainly one of the most important achievements of the Islamic Revolution was ignored by some and even sabotaged. Some could not tolerate this widespread 85 per cent of people's participation and interpreted it as a sign of violation or fraud in the election and resorted to various ways to weaken this result. Despite the widespread poisonous atmosphere created recently towards the election inside and outside the country, we would inform the dear people that none of the honourable candidates or their representatives have put their complaints in writing to the Guardian Council, and basically no complaints were received with regard to the election. Nonetheless, due to the recent unfair atmosphere, the Guardian Council believes that the outcome of its investigation of these ambiguities must be made public. Therefore, from the beginning of this debate in the society, the Guardian Council invited the honourable heads of the country's registrar office and the country's office of national statistics to ask them

about the number of eligible voters in the country. Then a widespread comparison was made between the announced results of the election with the outcome of the ninth presidential election, the details of which comes hereafter:

1- The figures of the number of people eligible: Following the meeting with the heads of the country's registrar office and the country's office of national statistics, it was revealed that the criteria for announcing the number of participants in the election in certain electoral areas was the census last taken in 2006 and in other areas the number of participants have been based on the ninth presidential election. Furthermore, according to the officers in the registrar office, the criteria of this organization for announcing the statistics is the number of birth certificates issued in a certain area. Clearly the number of birth certificates in an area has nothing to do with the presence of people in the same area at the time of elections, because people are free to choose to live in any areas. Also, the changes made during the recent years in dividing the country into various areas have often meant a change in the demography of the area as well. Due to the spring holiday season, Iranians started to travel and this meant that the number of voters in certain areas have shown an increase or a decrease. The protestors have ignored these criteria and the change in the number of eligible voters in each area, and an increase in the number of voters in certain area is interpreted by them as a sign of fraud or manipulation of the ballot boxes.

2- Possibility to divide geographically not demographically: In many provinces in the country and especially in the vicinity of the urban areas there are geographic patches which are considered as a separate town when it comes to geographic division of the country as well as political. There are even clear-cut maps of these areas. Nonetheless, these areas cannot be divided demographically and the majority of the population of these areas live in nearby cities without statistically belonging to those cities. The prominent example of this is Shemiranat area in the north of Tehran and Shahr-e Ray in the south of Tehran both of which are house to great portion of the massive population of Tehran. There is no doubt that a great number of Tehran's population who live in area 1 and 3 of the city, although not from Shemiranat cast their votes in the Shemiranat area. Also the residents of area 20 of Tehran who are on the surface from Tehran cast their votes in Shahr-e Ray. Undoubtedly, in many parts of the country a similar situation exists and anyone who investigates a bit will find out that in certain areas of the country it is virtually impossible to make demographic divisions.

3- A constituency called Iran: In the presidential election as it is supposed that one person is elected from across the country, the entire country is considered to be one big constituency. Therefore it is important that the total number of voters across the country should not exceed the total number of eligible voters across the country. In this round of the election 85 per cent of the total number those eligible in the country have taken part in the election. Although after the referendum of the Islamic Republic this number of participation has been the best record in country's election, there is room for a 15 per cent improvement to achieve 100 per cent participation.

4- Fluidity of the population: in the presidential election there is no rule for participation of any of the eligible voters at any specific polling stations inside or even outside the country. Therefore, even if all those eligible to vote in the country gather together and decide to vote in one single polling station to cast their votes there is no legal impediment. The only time when fluidity of the population is not allowed is when it comes to vote as the law clearly stipulates in the second round of the Islamic Majlis election, the Assembly of Experts and the councils elections. With regard to these three elections, voters who have voted in a certain area in the first round of the election can only take part in the second round of the election in the same area where they have cast their votes in the first round. In the presidential election however one person is supposed to be elected to represent the entire country therefore movement of population is allowed, is ordinary and has no legal impediment.

5-The reasons behind movement of population: Although as mentioned above there is no legal impediment to stop voters from moving around the country and cast their votes in any polling stations that they choose, there are reasons which can be referred to elaborate on why the population moves:

a- People's journey to nicer geographic areas with better weather at weekends: This is something that is tangible for everybody and certainly people from all walks of life have a memory about this; for example people of Tehran might travel to Damavand or people of Khorasan to Torqabeh and Chenaran.

b- Student population: in many cities due to the existence of various universities (including governmental universities, Open universities, Payam-e Nour universities...) a significant number of students live in these cities a great number whom do not originally belong to that area when it comes to the number of eligible voters in each city.

c- Military population: various cities in the country for different military and security reasons are home to military and security bases which include those who are conscripted to complete their military service in a certain area. Normally, a significant number of these forces do not originally belong to the area where they are based and are therefore not included as eligible voters for that particular area.

d- Working population: many cities are next to the industrial or agricultural magnets and these cities attract workers from across the country where the workers work and rest. Therefore, the population of such cities constantly change and even based on the credible statistics their population is different in the night and in the day due to commuting.

6- The history of the issue: In confirming points made above it is enough to pay attention to the number of voters in the previous election to prove that this point is natural and logical. As a recent example, we refer to the statistics of the ninth presidential election. In many areas the number of voters was significantly higher than the number of eligible voters in that area. For instance, in Shemiranat 800 per cent of population voted i.e. eight times more than the total number of the eligible voters in this area. Due to the reasons mentioned above, this is quite normal and inevitable. Based on the points raised above it becomes clear to any sane mind that this issue cannot be taken as an election violation and be used as an excuse to question the proud participation of people of Iran in the election. Of course, it is a shame that these ambiguities are spread across the society by those who have themselves been occasionally behind holding elections in the country and are aware of these issues very well. In fact, similar issues have occurred during their own term in office. Nonetheless, by choosing to ignore the widespread enthusiastic presence of people, they have decided to resort to such obvious excuses in order to claim that there have been violations in the election.

Independent complaints of each of the candidates

In addition to the above mentioned joint complaints, there have been other objections which were made independently by each individual honourable candidate, the details of which are as follows:

a- Mr Karrubi's exclusive complaints:

1- Cutting off the SMS system of mobile phones on the day of the election

In a letter dated 15 June 2009, Mr Karrubi has considered this as a sign of violation on the day of the election and by referring to this issue as requested annulment the elections across the country. In this regard, it is necessary to pay attention to the fact that cutting off SMS system has no impact on the healthy process of the election i.e. peoples presence and casting of their votes. The evidence to prove this is participation of 40 million people in the election despite the SMS system cut-off. In addition, this objection has basically, no links with the issue of the election and in previous elections lack of SMS system has never been considered as a sign of violation in the election.

2- Activities of the registrar office on Friday

In a letter dated 15 June 2009 numbered 6014, the head of Mr Karrubi's election headquarters has elaborated on certain election violations on 12 June 2009 the most part of which is responded to here in the joint complaints part. Other issues referred to in this letter as a sign of election violation and were used as reasons insisted upon for the urgency of annulling the results of the election across the country were the activities of the registrar office in the town of Divandareh on the day of the election. To deal with this issue it is enough to mention that based on the normal procedure in all the previous elections and in order to facilitate voting for those who would like to put photos on their birth certificates or required a duplicate birth certificate, the national registrar office has ordered all its branches to remain open flat out in order to deal with these issues. Therefore, the principal of acting in this way is legal and is based on the inherent duty of the national registrar office in

order to facilitate widespread participation of people in the election. Disregarding this fact, basically even activities of an office on the day of the election in Divandareh town is not a reason for the annulment of the election in the entire country.

b- Exclusive complaints of Mr Mihoseyn Musavi:

The number of mobile ballot boxes

Based on Article 50 of the presidential election law, formation of mobile polling stations in centre of cities, towns and areas where access is geographically difficult to establish, is one of the duties of the executive committees and this has been the case in all previous elections. Mobile ballot boxes had been allocated to farfetched areas and areas where there are geographic difficulties to access. A significant number of mobile boxes have always been allocated to the cities and across locations such as barracks, prisons, hospitals and ... [ellipsis as published], in addition a number of mobile boxes were made available to help those polling stations which were faced with unprecedented turnout of voters. This is something legal which has been stipulated in Article 50 of the election law by the legislators. According to this law, it is necessary for the Guardian Council to express opinions about all mobile polling stations and agree to dispatch its representatives to observe voting in these mobile stations. Unfortunately, a simple issue which is clearly stated and stipulated in the country's election law is for whatever reason ignored, and use of mobile polling stations across cities or in the vicinity of fixed polling stations is considered to be as a sign of election violation. As explained above, this is not a violation and is in fact a legal duty which needs to be carried out by the election administrators.

c- Exclusive complaints of Mr Mohsen Reza'i:

Firstly, with regard to complaints made and later rescinded by Mr Mohsen Reza'i, the following information is made available to the dear people of Iran:

Following the election Mr Mohsen Reza'i sent three letters to the Guardian Council to make complaints about the process of the tenth presidential election. Two of these complaints were made in the three-day legal deadline for making complaints and one was received after this deadline. In addition, on Saturday 20 June 2009, he personally came to the Guardian Council and requested a recount of 10 per cent of the total number of votes across the centre of provinces and certain cities. This demand was immediately acknowledged by the Guardian Council and it was decided that Mr Mohsen Reza'i would dispatch his representatives to witness this recount of the votes. In total, votes in areas in Isfahan, Kermanshah, Khuzestan and Fars were recounted in the presence of Mr Mohsen Reza'i's representatives, executive committees as well as the Guardian Council observers (See enclosed from 53 to 54). Following the completion of the recount it appeared that there were no significant discrepancy between the announced results and the outcome of the recount. Then, on 23 June 2009, Mr Mohsen Reza'i sent a letter numbered M/01332 and officially rescinded his complaints. Therefore, in this report we have only referred to the numbers of complaints and reports received from his election headquarters and no response has been given to any of them due to the fact that complaints were later rescinded.

Hereby, the Guardian Council announces its final verdict about the general outcome of the tenth presidential election held on Friday 12 June 2009. Following the public notice and receipt of complaints and objections against the process of the election and voting, according to Article 80 of the presidential election law in addition to the legal deadline for receipt of complaints five more days were allocated to receive complaints, and after a thorough and precise investigation and review of these matters as a great number of issues announced as examples of election fraud were deemed to be minor offences, essentially unacceptable in most of the cases insignificant. Finally, the Guardian Council discussed all issues in various meetings and decided that complaints and objections raised about the tenth presidential election were not valid. According to Article 79 of the presidential election law, the credibility of the election is acknowledged by the Guardian Council. The Guardian Council wants to take this opportunity to praise epic and widespread presence of people in the tenth presidential election which was held magnificently and was indeed a manifestation of the Republicanism of the system along with its Islamism. This election added a golden page to the history of the religious democracy in the Islamic Iran. We would like here to express our gratitude towards all the efforts made by the honourable Ministry of Interior, administrators, executive committees and mass media and especially towards honourable candidates whose presence brought warmth across the election platform.

"For Him and honoured by Him, if God wills' [translation from Arabic]"

It is noteworthy that a 90 page report of the correspondence of the Guardian Council with executive bodies, as well as with the objecting candidates is available through the Guardian Council website.

Credit: Fars News Agency website, Tehran, in Persian 1245 16 Jul 09