



PAFFREL

Presidential Election - 2010
26th January, 2010

First Interim Report of 5/01/2010

The Commissioner of Elections, Mr. Dayananda Dishanayaka, has under section 2 of the Act No. 15 of 1981 announced the election of the sixth Executive President of Sri Lanka to be held on the 26th of January 2010. Though the term of the President is not due to lapse until the 17th of December 2011 the President has decided to hold the Presidential Election before the expiry of his term in office. This election is historic in that sense that it is the first island-wide election to be held after the end of the horrendous civil war that plagued Sri Lanka for the last 26 years. In this election the largest number of candidates in a Presidential Elections ever has come forward.

Acceptance of nominations of candidates was held on the 17th of December 2009 from 9.00 am to 11.00 am at the Election Secretariat in Rajagiriya. PAFFRELS' formal observation process has been going on since this day.

Table 01

Total No. of Voters	Total No. Of Polling Stations	Total No. Of Political Parties Contesting	Total No. of contesting Independent Groups	Total No. Of Candidates	No. Of Provinces	No. Of Electoral Districts.
14,088,500	10,875	17	05	22	09	22

Observational Activities of PAFFREL

PAFFREL (People's Action for Free and Fair Elections) was the first citizen based election-watch established in Sri Lanka, and has been undertaking monitoring of elections since its inception in 1987. Starting from the Presidential Election held in 1988 PAFFREL has

monitored every Presidential, Parliamentary, Provincial Council and Local Government Election conducted in the country up to now. PAFFREL bases its work on a broad democratic structure and employs other civil based organizations at national and local level as its partner organizations. At this upcoming Election a number of civil based organizations active at national and local level, along with Sarvodaya, will be linked to PAFFRELS' observations.

The observational activities take place in three stages of the election; the pre-election period, the Election Day and the post-election period.

Pre-Election Period

The observational activities in the pre-election period started immediately after the official announcement of the Presidential Election the 17th of December 2009. During this period, after discussions with national, district and local level organizations, background requirements for the observational activities were organized. By establishing district and divisional offices facilities were established for citizens, political parties, independent groups and anyone interested to collect information and pose complaints. In addition to this, observations of the pre-election period through district and divisional coordinators are taking place. Arrangements have been made to obtain information through a network of civil based organizations and groups active at national level. Discussions with the Commissioner of Elections, the Inspector General of Police and contesting political parties on matters related to observational activities of the election are prepared.

Use of Postal Voting

PAFFREL is engaging observers at polling stations of postal voting. These stations are politically sensitive and contain a substantial number of voters. Postal voting of the presidential election is due on the 12th and 13th of January 2010, more than 450,000 voters have become eligible for postal voting. A large number of persons have applied for postal voting displayed in a short summary below.

Election Day

PAFFREL plans to engage 6,500 observers for the 10,875 polling stations in 22 districts and 9 provinces. A minimum of 320 mobile observational vehicles will be engaged, and through the entire process PAFFREL expects to observe 80% of the total polling stations.

International Observers

PAFFREL has obtained the approval of the Commissioner of Elections to engage international observers to observe the upcoming Presidential Election. ANFREL (the Asian Network for Free Elections) that possesses an experienced group of Asian observers has agreed to send monitors. Thus, PAFFREL expects to engage a group of 40 International Monitors that will be in Sri Lanka from two weeks ahead of the election to one week into the post-election period. These observers are planned to particularly focus on the Northern and Eastern provinces.

All Party Operation Room

On the instructions of the Commissioner of Elections PAFFREL plans to maintain the All Party Operation Room, which was used successfully at a number of previous elections, at the Elections Secretariat. Senior Representatives of all contesting political parties, Police Officers headed by a Deputy Inspector of Police, Senior Officers of Commissioner of Elections and Election Observers are due to take part at this All Party Monitoring Room. The objective is to in a transparent manner look into and work on complaints received on the Election Day. PAFFREL plans to engage its observers at 3331 All Party Monitoring Rooms at divisional level and at 22 All Party Monitoring Rooms at district level.

Post-Election Period

Observations will be carried out for a period of 3 days to 2 weeks after the Election Day, depending on the situation at the time. The structure with divisional coordinators, which already is being implemented, will look after this.

Proof of Identity

The display of a recognized identity card is obligatory when proving the identity at the polling station. The non-possession of a recognized identity card by approximately 1 million of Sri Lankan citizens is therefore a serious issue for the forthcoming elections. According to the voters' register of 2008, which is to be used at this election, 87% of the total voters had, and 1,955,312 persons (about 13%) had not stated their identity card numbers. Out of that about 40% of the voters in the Vanni district have not indicated their identity card numbers and in some districts, such as Batticaloa, Ampara and Monaragala this figure is even higher. Although this does not imply that all these persons do not possess a National Identity Card, a professional approximation is that at least 1 million voters do not hold National Identity Cards. All persons that do not hold identity cards recognized by the Commissioner of

Elections, given below, are required to obtain identity cards in order to cast their votes at the forthcoming elections.

1. National identity card issued by the Department of Registration of Persons
2. Valid passport
3. Valid drivers' license
4. Government service pension identity card
5. Senior citizen's identity card
6. Identity card issued to clerics and clergies by the Department of Registration of Persons
7. Temporary identity card that was issued for provincial council elections, except that for Northern provincial council election (these have to be collected from the Grama Niladhari)
8. Temporary identity card that is being issued by the Department of Registration of Persons, for the purpose of casting the vote at the elections to be held during 2010
9. Temporary identity issued by the Department of Elections

All voters must submit one of these identifications before collecting the ballot paper at the polling station. PAFFREL therefore requests all voters, if they do not possess any of the identifications mentioned above, to meet their Grama Niladhari or Estate Superintendent with two photographs in the size of 1 inch x 1/4 inch to obtain a temporary identity card. It is a prime responsibility of political parties to explain the necessity of a recognized identity card and influence voters towards obtaining that, as persons who do not possess any recognized identity card will not get the opportunity of casting a vote. A program for these about one million voters that do not possess a National Identity Card would enable them to vote on the Election Day.

Issue of Internally Displaced People

Due to the conflict that prevailed in the northern and eastern provinces of Sri Lanka for more than 30 years a large number of people became displaced. In Kilinochchi, Mulathi about 300,000 persons entered into temporary camps in Vavuniya after the war, and still about 150,000 people live in these camps. A big section of people from north moved and now live in other districts. It is necessary that these people register themselves on a regular basis to be able to cast their votes. The Commissioner of Elections gave time until 17th December for this purpose and has later extended the date up to 24th December. The official process related to this is the responsibility of the Department of Elections, but political parties should also motivate voters on this matter. Although the 2008 voters' register is to be used for the forthcoming election a revision of the voters' register has not taken place since 1989.

Especially in the northern area, unlike in southern areas, new names may not be included in the voters' list, if new voters had not taken action with interest. However, PAFFREL believes that the Commissioner of Elections will take all possible steps not to jeopardize the voting rights of the displaced people.

General Observations

A summary of the incidents that have taken place from 28/11/2009 to 04/01/2010, and confirmed through observation services are given below in Annex 1.

Incident Reports

According to the below Table 2.2 the total number of pre-election complaints up to today is 115. 32 of these complaints stem from Southern Provinces, though a considerable number of incidents have been reported from Western, North-Central and Central Provinces. Out of the total number of incidents 32 are on assaults and 20 hospitalizations have been reported. A special feature is that 17 of the victims were supporters of JVP (Janatha Vimukthi Peramuna), even during previous elections supporters of JVP were assaulted the most. Furthermore, in 6 incidents from Anuradhapura and Hambantota Districts firearms have been used. Although no deaths are reported from these incidents the threatening of people using firearms, as PAFFREL observes it, is a serious matter. 32 incidents of attacks on party offices were reported and out of that 8 were reported as arsons. All the attacked offices belong to JVP and UNP (United National Party). Although damages to buildings due to the attacks are few it is a threat to all candidates performing their publicity activities and a hindrance for a peaceful conduct of the election.

While 11 complaints were received by PAFFREL up to now on illegal publicity activities; it has been observed that illegal publicity activities are in a large proportion taking place in all districts of the island. The display of large cut-outs and banners can be seen prominently. Often this type of publicity is related to the escalation of conflict and PAFFREL therefore requests all candidates and supporters to refrain from getting involved in illegal publicity activities. On the other hand, it should not be the display of the figure of the candidate that is required to win a presidential election but to take the program to voters through manifestoes. To achieve this objective electronic media, press, hand-outs and public meetings can be used, and by that it is possible to do publicity activities by minimizing the occurrence of conflict situations.

A considerable number of complaints have been received on misuse of state authority and state assets. The control of such situations is problematic without the implementation of the

independent commissions due to be operational under the 17th amendment of the constitution. Without this implementation a methodology should be adopted to conduct the election under a caretaker government since the misuse of state authority and state assets do influence the nature of a free and fair election.

Table 2.1 Number of Complaints – Classified according to the Victimized Party

No.	Party	Number
01	UNP	43
02	UPFA	03
03	JVP	46
04	Others	02
	Total	94

Political Parties

A huge responsibility lies with political parties in conducting the forthcoming election in a democratic manner. PAFFREL will take steps to discuss with each political party and independent group to devise an approach for free and fair elections. It is PAFFRELS' desire that all political parties act together to prevent violence and conduct election activities in a just manner during the entire election process.

Department of Elections

The Commissioner of Elections is taking steps to implement the authority vested on him under the amendment with the objective of conducting a free and fair election. But to achieve this objective the support of all sections including contesting political parties, candidates, police, media and civil society organizations is necessary. Already steps have been taken to appoint a competent authority to control state media and illegal transfers. Steps taken by the Commissioner of Elections in minimizing illegal publicity work and the use of state properties and state authority is appreciated. Further, PAFFREL sincerely hopes that while safeguarding the voting right of displaced voters necessary steps will be taken to enable them to cast their votes.

Department of Police

As this forthcoming election is island-wide the duty and responsibility of the Department of Police is very high. While PAFFREL expects the activities of the police to be performed efficiently and impartially under the new Inspector General of police, PAFFREL earnestly requests immediate action to be taken to control already existing illegal publicity activities. As there is an increase of violent activities related to elections in Sri Lanka urgent and fair intervention is required to control it.

Factors to Draw Attention to

2009 can be identified as an election year and discussions have continued that constitutional councils should be established through the implementation of the 17th amendment. This implementation has not yet taken place and PAFFREL therefore stresses that these councils shall be established and the 17th amendment be implemented.

As all major political parties, including the governing party, utilize their power of wealth and office to promote themselves, the opinion of the voters cannot be considered as entirely natural. It is observed that although special laws have been enacted to prevent illegal publicity work this is not properly implemented.

It is also observed that environmental hazards are taking place due to the use of polythene in publicity work and therefore alternative arrangements have to be worked out.

However, PAFFREL expects that in the next few weeks, political parties and candidates will perform their publicity activities without violence and honor the rights of all parties and candidates within the legal framework.