

**Provincial Council Elections for the Sabaragamuwa and North Central Provinces
August 23, 2008**

PAFFREL Election Day Communiqué

The elections to the Provincial Councils for the Sabaragamuwa and North Central Provinces took place on Saturday, August 23, 2008. PAFFREL deployed 1702 observers for this election including 63 mobile observer teams on Election Day, with special attention to areas more susceptible to election violence. Mobile observation units were deployed in all electoral divisions, with special attention given to areas such as Kalawewa of Anuradhapura District, Egodapattuwa of Polonnaruwa District, Nivithigala of Ratnapura District and Rambukkana of Kegalle District, which are more prone to violence.

The relatively high voter turnout of around 65 percent and the general enthusiasm demonstrated by the electorate to cast their votes, were positive affirmations of their continuing belief in the value of the democratic system. PAFFREL observers reported that the elections took place in largely free and fair conditions in most areas, with exceptions noted in some areas. There were 73 complaints, of which 10 were confirmed as directly relevant to the election, and of which 2 were serious and included assault, shooting, and intimidating voters not to cast their votes.

The events during the time of voting on Election Day were in contrast to the period of the election campaign in which the intensity of the contest between the rival political parties took on the character of a mini war. In the final three days there was a sudden spike in the number of violations reported, which took the figure from 128 to 191. There was a high level of electoral violence and intimidation that threatened to wreck any possibility of a free and fair election. There were serious incidents of political violence and clashes between rival political groups that the police seemed unable to control. Opposition parties leveled charges that the police were passive in dealing with their complaints. They also urged their supporters to fight back, which was an unacceptable resort to the law of the jungle.

In this situation PAFFREL appealed to the Election Commissioner and Inspector General of Police to take necessary steps to ensure that the violence was brought to an immediate conclusion. We appreciate the Election Commissioner's decision to call in the army to assist the police to maintain law and order, and his threat to annul the voting in any polling station in which election malpractice was observed. The Inspector General of Police also deployed very senior police officers to the worst affected areas. This action appears to have bolstered the morale of the police officers in the field to act without fear or favour to uphold the election laws and acted as a strong restraint on any potential law breakers.

At this election, PAFFREL facilitated the setting up of a multi-party operations committee in the Election Commissioner's office on the day prior to the election and on Election day itself. The committee comprised representatives from several political parties including the three main parties contesting the elections. Representatives of the political parties, police and election officials together with PAFFREL members were able to make immediate verification of complaints coming to the Election Commissioner and ascertain their veracity in order to take remedial action.

Another important factor that reduced the possibility of violations of electoral law was the Election Commissioner's decision to make a valid identity card compulsory for voting purposes. This followed a Supreme Court ruling on a case filed by PAFFREL seeking an opinion on the legality of making the National Identity Card a legal requirement for voting.

PAFFREL had been critical of the timing of these elections, as they followed the premature dissolution of the two Provincial Councils which had terms that ended only in August 2009. We regret that the main issues canvassed at the elections revolved around national issues, such as the ongoing war in the north, rather than on the provincial issues of devolved power for which purpose the Provincial Councils were established. We note that the Provincial Council system was established to provide the basis of a solution to the ethnic conflict based on the devolution of power. This has been reiterated by the present government which had pledged to fully implement the system to include the Northern and Eastern provinces.

A matter that is causing PAFFREL serious concern are reports of post-election violence that have been coming in within a few hours of the closing of the polls. The victims include a Member of Parliament belonging to the opposition JVP. Opposition parties have expressed fear of post-election violence in a context in which senior government members have threatened that their restraint will end after the election. We urge the government to ensure that post-election violence is not tolerated and call on the police to take immediate action according to the law and without fear or favour.

PAFFREL also reiterates the stance taken in our previous statements on this election, where we called for the Provincial Council elections to be held on one day and for them to be held within the framework set out in the 17th Amendment to the Constitution which seeks the establishment of independent Elections and Police Commissions. We believe that independent institutions, and demonstrating respect for their purpose, are essential to enhance the credibility of the democracy practiced in the country. Despite the violence and violations of election laws during the period of the election campaign, we express our satisfaction with the measures taken by the Election Commissioner and Inspector General of Police to ensure a free vote on Election Day.

Kingsley Rodrigo
Chairman

Dr. Jehan Perera
General Secretary

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