



INTERNATIONAL ELECTION OBSERVERS INTERIM REPORT
2005 PRESIDENTIAL ELECTIONS
PAFFREL
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I. Summary

The 2005 presidential elections in Sri Lanka were a story of great success and great failure. Polling in the districts in the southern, central and western parts of the country can stand as an important achievement for the strengthening of democratic institutions in the country. In the north and east, however, the absence of voting because of the LTTE's effective disenfranchisement of the population as well as violence aimed at blocking the vote, left the vast majority of those voters outside of the political process.

Excepting the North and East, election day in Sri Lanka was perhaps the most peaceful and smooth-running ever. PAFFEL observers found very few acts of violence or other electoral malfeasance – and instead reported that in general the voting process was carried out with dedication and professionalism by election workers, police, political party members, and local election monitors. The PAFFREL observers were very impressed with what they saw, and those from countries where violent, rigged elections are the norm, say they have learned much to bring back home.

The North and East was a very different story. In Jaffna and Trincomalee districts in the North, election day was peaceful simply because the streets were empty of people and vehicles, and most stores were closed. Pro-LTTE groups called for a “Mourning Day” to replace Election Day, and sadly, that is what they got: the sinister façade of peace of a closed society rather than the exuberance of the democratic process at work. Very few people voted in Jaffna district and in many other areas of the North. In the East, namely Batticaloa and Ampara districts, there was considerable violence in the days preceding election day and on election day itself. Seven polling stations and counting centers were targeted by grenades or bombs in Batticaloa district, violence rocked Ampara district, and voters in LTTE areas were physically prevented from going to government areas to cast their votes.



Prior to the elections, pro-LTTE social, labor and student organizations in Jaffna called on people to stay at home, all of which was reported in the pro-LTTE Tamil media, sending a clear message to voters. Undoubtedly, many people in the North and East agreed with this assessment. The widespread election-day violence in the East demonstrated the false claim of the LTTE that there was no boycott of the polls. In LTTE controlled areas, buses and ferries sent to collect voters were detained until after the voting, and burning tires and other obstacles blocked the roadways. Bombings at several polling stations did not shut them down, but understandably deterred the voters. The day saw the effective disenfranchisement of a great many voters, mostly but not only Tamils, in the North and East.

Prior to the election there was concern among international observers as to whether persons displaced by last year's devastating tsunami would be able to vote. Voting had long been a problem for persons displaced by the country's twenty-year civil war. It was evident that in some places, such as Trincomalee, that tsunami victims did not receive their voting cards, and lacking IDs, feared they would not be able to vote. We urge the government to investigate whether those displaced by the tsunami were able to vote, and if not, take all necessary steps to address this issue.

A more positive note: one of the primary contributing factors to peaceful elections outside of the North and East was the valuable role played by the police to prevent violence and step in promptly and impartially when violent acts were reported. The police in many areas were proactive in creating an environment in which there would be secure elections. We hope that where serious violence occurred, the authorities will prosecute those cases to the fullest and send a message that election violence will not be tolerated.

A couple of technical election issues need to be addressed by the government. PAFFREL observers highlighted two recurring election problems: police inside polling stations carrying firearms, and voting booths in which the voter's choice could easily be observed by election officials. Both concerns may seem minor, and did not appear to bother Sri Lankan voters. However, both problems infringe directly on the right of persons to cast their vote freely, and without fear of retribution. We urge the government to take the simple steps required to address these concerns. Lastly, we urge the government to address the impartiality of the government media; bias in the private media does not justify bias in the government media.

II. Background on PAFFREL International Observers

International Election Observers have been part of PAFFREL's election monitoring efforts since the 1994 elections. For the 2005 presidential elections, PAFFREL deployed 108 observers from thirty-seven countries in Asia, North America, Europe and Africa. Large contingents were here on behalf of the Asian Network for Free and Fair Elections and the Nonviolent Peaceforce. The great majority of observers had election monitoring experience in Sri Lanka or elsewhere.



After two days of briefings, the PAFFREL observers were sent, along with interpreters and drivers, to all 22 electoral districts in the country. About forty percent traveled to the North and East. Teams consisted of from three to eight observers. In the districts, teams met with political party leaders and members, local government officials, police, NGOs and religious groups, and many ordinary citizens. They gathered information on reported incidents of election-related violence and other election malfeasance. On election day the international observers traveled to polling stations in key locales in their districts to monitor the voting process. They returned to Colombo on the day after election day and gave a briefing on their findings.

III. Election Day Issues

PAFFREL's international observers returned from the districts outside of the North and East praising the conduct of the elections and the assistance they received from election officials. Voting proceeded very peacefully and smoothly, with only isolated acts of violence. This is a major achievement for the people of Sri Lanka. Sadly, it was not the entire story.

The worse than poor turnout in the North and East must be attributed to the actions of the Liberation Tigers of Tamil Eelam (LTTE). Statements and acts by the LTTE and pro-LTTE organizations had the effect of telling LTTE supporters not to vote and no doubt many persons agreed with this assessment. At the same time, these actions no doubt intimidated persons in the North and East who wished to cast their vote but were concerned about the consequences.

The overall security situation in the North and East, and the situation during the campaign in particular, contributed to what transpired. The Jaffna senior superintendent of police told PAFFREL observers that security in Jaffna had deteriorated since the beginning of the election campaign. He reported that in a ten-day period prior to the election, three police officers, all unarmed, were killed. On November 13, a hand grenade was thrown at the headquarters of the pro-government Eelam People's Democratic Party (EPDP) in Jaffna town. Because of security concerns, polling stations were clustered throughout the district, reducing the number of polling stations from 370 polling stations to 119, to allow a greater police presence. There was virtual no campaigning by the political parties in Jaffna district and only in very secure areas.

The LTTE said it would remain neutral during the elections and opposed a boycott. But the message was conveyed through pro-LTTE organizations and the LTTE-controlled press that Tamils had no interest in this vote. The LTTE's political head S.P. Thamilselvan told the media that because of frustration over the ceasefire and the distribution of tsunami aid, "the Presidential election is totally irrelevant to the Tamil people at this juncture." Several days before the election, the Consortium of Public Organizations, a pro-LTTE group in Jaffna, distributed a notice in several areas of Jaffna



stating that November 17, election day, should be observed as a day of mourning and advised persons on the Jaffna peninsula to boycott the election.¹

According to PAFFREL observers, this message was conveyed in leaflets, posters in bus stops, on temple walls, at petrol stations and at the entrance of polling stations. One such poster, after stating it was useless to vote for president, stated: “If anyone is campaigning or putting up posters – they should stop immediately. This is not a threat. This is an order. Thank you. People’s Force.”² This message was picked up by three pro-LTTE newspapers and run on two successive days, reinforcing the message. A Jaffna University student group issued a similar message.

The pro-LTTE *Eelanadu* newspaper on the day before the election included a report from the “People’s Front” telling polling agents not to appear for election day and if they did not obey this warning, they “would face punishment.” The shooting of an EPDP polling agent administrator three days before the election by unidentified men on a motorbike would have reinforced such fears.

Persons have no obligation to vote and organizations may call upon others not to vote -- so long as no threats or intimidation is involved. As a number of eligible voters told PAFFREL in Jaffna district prior to election day, they were not intending to vote because they agreed with the message that voting for president served no useful purpose. At the same time, those who wished to vote were doubtlessly afraid to do so. Because of the LTTE’s history of political violence in the North and East, including in government-controlled areas, and ongoing severe security concerns, it would take very little for voters to be intimidated.

A. North

In Jaffna district, there was all the machinery for proper voting, but no real voting itself. Voting was near zero in many areas – and total voting was reported to be a meager 1.5%. The people, by their own decision or because of intimidation, were left out of the democratic process.

There was some violence on the day before the elections. PAFFREL observers could confirm two grenade attacks on the day before the election, although more were reported. PAFFREL observers in Chavakachcheri heard a grenade blast at 2:30 pm on the road 30 meters from a polling station, injuring one person. There was a grenade attack on the EPDP office at Kopay at 8 pm, no injuries were reported.

¹ “Tiger group calls for day of mourning,” *Daily Mirror*, November 14, 2005.

² The poster translated from the Tamil reads in full: “Both parties have cheated us. They did wrong thing. In our past experience, presidents did not do anything for us. They have given us only bad things. We cannot forget that. There is no place for any president in the Tamil area. If anyone is campaigning or putting up posters – they should stop immediately. This is not a threat. This is an order. Thank you. People’s Force.”



On election day, there were few people on the streets of Jaffna town, and no public transport. At the St. Johns College three polling stations, only 21 people voted by midday. No polling agents were visible in Jaffna town; only a few polling agents from the New Left Front were reported in some polling stations.

Though there were few overt acts of violence, it was clearly lurking below the surface. One bus visible on the streets, a CTB bus plying the Jaffna-Karainagar route, had a broken window from being stoned in Jaffna town. PAFFREL local monitors reported that two women who after casting their ballots at the Balasubramanium school in Annaikottai in Maipay were surrounded by a group of men arriving on motorbikes – the men harassed the women and snatched their handbags containing their valuables.

Voting in the rest of Jaffna district ranged from very low to zero. In Pallai East, 3 voters out of 1,431 had voted by noon and very few private vehicles were on the road. No voters were reported at Vaddukoddai. Of 62,022 eligible voters in Chavakachcheri, only 41 people voted. In the Kayts island area, voting was also extremely low.

In the special cluster voting stations set up near the demilitarized zones for voters from “uncleared” LTTE-controlled areas, there were virtually no voters whatsoever. This was the case at voting centers in throughout the north. At the Muhamalai cluster station for voters from Kilinochchi, of 89,454 eligible voters, only one cast a ballot. He did so at 2 pm and got interviewed by the BBC! In the “no man’s land” outside Mahamalai in Jaffna district, an obviously staged boycott protest occurred, with about 200 persons burning their polling cards after a group of foreigners showed up. The protest was filmed by the pro-LTTE Tamil National Television, in the presence of Tamil National Alliance MP Elevantan, who expressed happiness at the boycott’s success, and a media officer of the political wing of the LTTE.

In Mannar district, there were cluster stations with no voters, some with less than ten. But even in the government areas, the turnout was very low. PAFFREL team members found that the road from LTTE-controlled areas towards Madhu junction, about four kilometers inside the LTTE-controlled area, was blocked by burning tires and small groups of people lingering about – at the Madhu cluster polling station, turnout was negligible.

A few areas had somewhat greater turnout. In Vanni district, while a number of people told PAFFREL that they did not intend to vote, the turnout varied from relatively low to high. There was also a good turnout from displaced persons stations. But at the cluster polling stations for voters from uncleared areas in Omantai, north of Vavuniya town, by 10 am only 100 persons voted out of the 50,000 registered. No one came across.

B. East

In Batticaloa and Ampara districts, a greater turnout at the polls was accompanied by considerably more violence. Unknown perpetrators committed seven grenade or bomb attacks in government areas. In LTTE-controlled areas, the LTTE kept buses and ferries



from returning with voters, and blocked roadways until after the voting. There were nonetheless many deterred voters from among those living in government areas. The violence in the East suggests that those responsible recognized that the people in these areas intended to vote – and that violence was needed to deter them from doing so.

Election day tensions were greatly heightened by violent incidents in Batticaloa and Ampara districts in the days preceding the elections. The bodies of two alleged LTTE rebels were found dumped in paddy fields by the Ampara road near Akkaraipattu, Ampara district on November 15. A firebomb was thrown at a house of a UNP supporter in Oddamavadi, near Valaichchenai on the night of November 15. On November 16, two bodies were found in Navalady, near Valaichchenai, Batticaloa. Also on November 16, grenades were thrown at a bakery in Akkaraipattu, Ampara district and at 6:30 am at the office in Batticaloa town of the Tamil Rehabilitation Organization, a relief agency connected to the LTTE – no casualties were reported. According to the Batticaloa Senior Superintendent of Police, another grenade blast in Batticaloa town injured three soldiers. An additional two firebombs were allegedly thrown at the homes of UNP supporters.

On election day there were seven bomb or grenade attacks in Batticaloa district – six near polling stations and one at a counting station. In Kalawanchikidi, a grenade exploded at an empty military checkpoint at 8:50 am. An explosive went off at Valaichchenai Hindu college, at 9:40 am. A bomb thrown at the gate of the Hindu college counting center at around 11:45 am injured one man seriously. In Eravur at 12:30 pm there was a blast at Chenkaladi cluster polling station, injuring seven persons, one seriously. A second bomb went off at Valaichchenai Hindu college, at 12:50 pm, causing one minor injury. A third explosion was also reported at Valaichchenai. And in Kiran at 2:30 pm there was a blast on the road 100 meters from the cluster polling station, no injuries. Incredibly, all of these polling stations were later reopened, but no one came to vote.³ In Kalmunai, two suspected LTTE members were killed and seven others wounded when a bomb exploded in their home; media reports suggest the bomb went off prematurely.

In government areas, polling varied from very low to high. At one polling station near Batticaloa, the only voters were the election officers themselves. Voting at the cluster polling stations was near zero. One couple living in an LTTE controlled area who actually voted said that they got through the LTTE checkpoint by concocting a story unrelated to the elections so they could cross into the government side.

In Batticaloa district, the LTTE actively prevented voters from LTTE-areas to cast their ballots. Buses sent by the government into LTTE areas were prevented from returning with voters. At Vavunativu, PAFFREL observers witnessed two roadblocks – barricades of burning tires and wood across the access roads to the Vavunativu cluster stations. Uniformed LTTE cadres were present at the Ayittiyanalai entry point. At the Karaveti-Vavunativa road checkpoint, which was manned by 20-30 villagers, an LTTE official said that the buses had been stopped seven kilometers behind the crossing point and they

³ Also on election day in Batticaloa district, alleged UNP supporters jumped the wall to a compound near Kattankudi and set on fire four motorcycles owned by SLFP supporters.



would not be allowed to return to government controlled areas until 4 p.m., when the polls closed. Election workers from LTTE-controlled areas were also prevented from traveling to polling stations on the government side. At the Black Bridge near Chenkalady, PAFFREL observers spotted black smoke from inside the LTTE-controlled area, indicating a road block from which buses had to turn back. The crossing point was also paralyzed. The ferry from Ollikulam that brings persons from LTTE areas to the government side was detained by the LTTE when it went to pick up passengers in the morning, and it was being held until 4 p.m., when it was being sent back empty. The bridge from Kiran to Karunkaliyadi was likewise blocked until the election was over.

The violence in the East did not stop on election day. On November 18, a grenade was thrown at the mosque during morning prayers in Akkaraipattu, killing four persons and wounding about 25 others.

IV. Pre-Election Period

The majority of PAFFREL observers outside of the North and East reported few or no serious election-related violence or electoral violations during the last few days before the election. For instance, in Chilaw, Puttalam district, both the UNP and the UPFA reported a very peaceful environment in the area; a senior police official there said there had been “unprecedented peace and calm so far,” which he attributed to an improved strategy to curb election violations and violence. In Weligama, Matara district, government officials reported that the pre-election period had been calmer than previous years and the government was doing a better job following up violations.

Incidents did occur nonetheless. The police appeared to have reacted promptly and decisively against persons implicated in acts of violence. The police must fully investigate these cases and ensure that those responsible for prosecuted to the fullest extent of the law. It is important that the conclusion of the elections does not mean that serious crimes will be dropped; those implicated must be appropriately and fairly prosecuted. This is the best way to ensure that similar acts are not repeated in future elections.

Among the cases reported by reported by PAFFREL international observers were the following:

- PAFFREL observers in Adalchene, Pottuvil in Ampara district reported a tense situation on November 13 and 14 between the UNP/SLMC and the UPFA. According to the UNP, UPFA supporters threw stones at the UNP/SLMC office and attempted to block the UNP/SLMC from holding a rally. The police appropriately maintained a large presence between the two party offices, which are close by.
- In Pollanaruwa district, a UNP organizer told PAFFREL that he had been receiving anonymous phone calls threatening his life if he continued to engage in



campaigning. After lodging a complaint with the authorities, he was provided a police escort, which was later withdrawn.

- PAFFREL observers in Kurunegala district learned from police of a grenade attack in Kulyapetiya on November 14. There were no injuries.
- Late on the night of November 13 in Wellawatte, Colombo, unidentified gunmen on a motorbike shot and killed at close range Vellaipodiyan Rajanayagam, 31, an EPDP member and security coordinator, and seriously wounded trishaw driver Chaminda, 31. The EPDP told PAFFREL that Rajanayagam was on leave to spend time with his two-month year old daughter and he was returning to the EPDP office from his home. The EPDP believes that the LTTE was responsible. Ten days earlier they received information from government intelligence that Rajanayagam and a senior EPDP official were at risk to their safety.
- In Anamaduwa in Puttalam district, a visibly distraught young woman who was the treasurer of the local UNP Women’s Association told PAFFREL that on November 15, a group of unidentified men outside her house shouted threats against the UNP and obscene language. Two men on a motorbike drove back and forth in front of her home yelling “This is the house! This is the house!”
- PAFFREL observers reported that on November 16 in Kalmunai, Ampara district, an unknown perpetrator shot and killed Ahmed Tahil, 42, a home guard soldier in front of the police station. Although there were no witnesses, police believe the perpetrators were the LTTE. An hour later, Mohamed Jusfu, 46, was shot and wounded by an unknown person.
- On November 14 in Manikhinna, Kandy district, SLFP council member Sunil Amarathunga stopped his car when he came across a group of UNP members preparing a rally. They had an argument and Mr. Amarathunga’s driver shot into the crowd at Mr. Amarathunga’s direction, striking one person in the leg. The police took Mr. Amarathunga into custody and his driver surrendered the following day. UNP members were satisfied with the police response.
- The UNP in Hrovpathana, Anuradhapura district reported to PAFFREL that on November 14, alleged UPFA supporters harassed and threatened their local organizer in Siyabalagaswewa, Kebithigollawewa after he was returning from a party meeting.
- On the night before the elections in Kalkudah, Batticaloa district, PAFFREL observed the Minister for Reconstruction Ameer Ali leading a procession of about 100 supporters through the center of Oddamaradi in violation of the election laws. Mr. Ali told PAFFREL he was returning home from evening prayers – but his home is on the other side of town. The Superintendent of Police allegedly slapped a UNP supporter who reported the unlawful canvassing.



V. Campaign Violence

The focus of the PAFFREL international observers was on election day and the days immediately proceeding the voting. Nonetheless, developments during the full campaign period have an obvious impact on security on election day and whether the political environment is conducive to free and fair elections. The independent Centre for Monitoring Election Violence (CMEV) reported that in the period following the close of nominations on October 7, 2005, there were 87 major incidents of election related violence, of which 44 were incidents of assault. The highest number of major incidents were reported in the districts of Puttalam, Colombo, Galle, Gampaha, and Badulla. Fifteen of these incidents involved firearms.⁴ In general the police responded very promptly and impartially to these incidents.

Among the most serious acts of possible election-related violence reported by the media and non-governmental organizations:

- In Uva Pranagama, Badulla district on the evening of October 25, UPFA supporter WM Jayaratne allegedly stabbed UNP supporter RM Premathilake, who was treated at a local hospital. Police arrested Jayaratne and later released him on bail.⁵
- In Karandeniya, Galle district, around noon on October 31, alleged UPFA supporters set fire to the UNP party office. The UNP said damage to property was about Rs. 10,000. The police were conducting an investigation.
- In the early morning of November 4 in Divulapitiya, Gampaha district, a group of alleged UNP supporters emerging from a van assaulted three JVP supporters pasting posters for a meeting of the national Bikkhu Front. Local police arrested four UNP members for their alleged involvement in the assault and expected to make further arrests.⁶

Three members of the Tamil political party Eelam People's Democratic Party (EPDP) were murdered during the campaign period under circumstances that suggest the involvement of the LTTE. The ongoing attacks against EPDP members and other members of Tamil political parties and organizations that do not accept the LTTE as the "sole voice" of Sri Lankan Tamils in the past year suggest that these killings were not directly election-related. Nonetheless, such attacks, particularly during the campaign period when tensions are at their highest, has a chilling effect on members of the Tamil population who wish to exercise their civil and political rights to free expression, assembly and the right to vote.

⁴ CMEV, Media Communique No. 2, pp. 1-2.

⁵ CMEV, Media Communique No. 2, p. 2.

⁶ CMEV, Media Communique No. 2, p. 1.



- On the morning of October 6, in Wellewatha, Colombo, a bomb exploded in a van parked outside the offices of the EPDP-run newspaper, *Thinmurasu*. At least one person was injured, and windows of neighboring buildings were shattered by the blast. The bomb was planted in the van of Anthonypillai Jeyaraj, the private secretary to EPDP secretary general, and was apparently intended to explode upon the car's ignition. The bomb exploded prematurely—another EPDP member who was near the vehicle, was injured and rushed to a hospital.
- Also on October 6, unidentified men shot and killed EPDP member K. Weerathne, 34, while he was riding his bicycle near Trincomalee. Weerathne had been threatened by the LTTE for distributing *Thinmurasu* in Trincomalee.
- In a span of twenty-four hours, the principals of two prominent educational institutions in Jaffna were gunned down. On October 11, Nadaraja Sivakadatcham, principal of Kopay Christian College in Jaffna, was fatally shot by intruders at his residence. On October 12, gunmen killed Kanapathy Rajadurai, 56, as he arrived for a cultural ceremony. Rajadurai, principal of Jaffna Central college and an EPDP supporter, was the chief guest of a Navarathri ceremony that had been organized by the Jaffna educational secretariat. As Rajadurai dismounted from his motorcycle to enter the ceremony, he was approached by a group of four youths, one of whom drew a pistol and fired four shots at close range. The youths fled on motorcycle; Rajadurai succumbed to his wounds later that day at a local hospital.
- On November 3, unidentified men shot and wounded EPDP member Arumugam Pathma Kanthan while he was on a three-wheeler in Batticaloa town, injuring him, the driver and four policeman. The EPDP believes the LTTE is responsible for the attempted murder.⁷

VI. State-Controlled Media

Taken altogether, the media in Sri Lanka presents lively and diverse views from across the political spectrum. The UNP opposition, for instance, receives considerable favorable coverage in the privately owned media. Nonetheless, the government continues to maintain considerable ownership of the broadcast media – television and radio – the primary source of news for most Sri Lankans. Sri Lankan law requires the government-owned media to present balanced reporting of the political parties in its news coverage. While technically this may be achieved – coverage of campaign rallies and other strictly electoral events of the major parties is fairly covered – the government broadcast media appears to be heavily biased in its news coverage by its focus on the ruling PA. Several Sri Lankan political analysts told PAFFREL that the bias of the private media was “balanced” by the bias of the government media. That is unacceptable: government

⁷ CMEV, Media Communique No. 2, p. 5.



media, the voice of all the people, must adhere to higher standards than those of the private sector.

VII. Role of Police

One of the primary contributing factors to peaceful elections outside of the North and East was the valuable role played by the police to prevent violence and step in promptly and impartially when violent acts were reported. The police in many areas were proactive in creating an environment in which there would be secure elections. Exceptionally, in Mahiyangana, Badulla district, a UPFA campaign officer complained that during the election campaign the police treated them unfairly, including confiscating leaflets intended for campaign rallies. On election day in Sammanthurai, Ampara district, PAFFREL observers witnessed five young men on bicycles handing out what appeared to be polling cards outside a polling station. When the police were alerted, they merely chased the young men from the scene and did not stop or question them.

On the whole, PAFFREL observers were very impressed with the role played by the police. In Anuradhapura district, the police held a number of meetings with communities throughout the area in an effort to secure their cooperation in dealing with election related incidents. For instance, the Talawa police have a registry of telephone numbers of local community leaders, representatives and members who they can call on to respond to local incidents. This practice was repeated in many other areas. On the day before the elections, outside of Monaragala town, police were seen early in the morning removing illegal spray painted messages on the road. In Kurunegala district on election day, the police reinforced their presence in places where there had previously been problems.