

PRESIDENTIAL ELECTION - 2010

FINAL REPORT

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FOREWORD

PAFFREL is pleased to present this final report on the Presidential Election held on 26 January 2010.

The report has also used the reports prepared by PAFFREL and published on its web site (www.paffrel.lk) commencing from the day the election was announced by the Commissioner of Elections and covers a one week period after election results were announced.

It is also a synthesis of accounts and PAFFREL reports sent in by our stationary monitors, mobile monitors, reports recorded through our regional offices during the run-up to the election, on election day and the week following the election. It has also benefitted from material published in the media.

We extend our thanks to the Commissioner of Elections Mr. Dayananda Dissanayake for the accreditation extended to the organization. We are also grateful to his staff and to the District Secretaries, Assistant Commissioners at district level for the courtesy and co-operation extended to us.

We thank the Inspector General of Police Mr. Mahinda Balasuriya, the Police Election Secretariat, particularly its head Deputy Inspector General of Police Mr. Gamini Navaratne and other police officers both at the district level and polling stations for their cooperation..

The report and monitoring effort was made possible due to the generous financial assistance of donors who assisted us in this project and who continue to support our monitoring and election related work. They have played a significant role in helping us develop our capacity and those of other local partner organizations to make interventions by supporting the communication structure, costs of training programmes and the direct cost of monitoring the election.

We use this opportunity to thank the Asian Network for Free and Fair Elections (ANFREL) of which we are partners, as well as other external organizations and individuals who assisted our efforts by providing international observers. Our gratitude and thanks to our partner organizations and all the observers who gave of their time, energy and effort to make this monitoring activity possible.

We extend a heartfelt thank you to the local partner organizations –SARVODAYA, HUDEC, NGO Consortium, Social Envo Vision, EHED, Human Rights Organisation Kurunegala, Human Rights Foundation Chilaw, Human Rights Organisation Uva, Organisation to Safeguard Human Rights Ratnapura and numerous individuals who put their heart and soul into making the monitoring exercise a success.

Finally we extend our gratitude to media organisations, political parties, groups and individuals who by the support they extended to PAFFREL in contributing to the monitoring effort and its process help build the confidence of the public that instances of misconduct and misuse of power, would be reduced by the very presence of the monitors.

.....
Chairman
PAFFREL

EXECUTIVE SUMMARY

Overview

An election for the office of President of Sri Lanka was held on 26 January 2010 almost two years ahead of schedule. On the 23rd of November 2009 the incumbent President, Mr. Mahinda Rajapaksa, by virtue of the powers vested in him by the Constitution, declared his intention of appealing to the people for a mandate to hold office for a second term. The Commissioner of Elections fixed the date for the poll and nominations were received at his office on 17th of December 2009.

PAFFREL, as it has done during previous Presidential elections, observed the elections from the date that nominations were called till a few weeks after the results were announced. A total of 6500 persons working through a network of community, district and national level civil society organizations, observed the postal voting, the pre-election period, polling on Election Day and two weeks immediately after the results were announced. A total 2884 stationary observers, of whom about 60% were female, were placed at 2868 polling stations. This was a coverage of more than a quarter (26%) the total number of polling stations island-wide of 10, 875. Mobile monitoring teams numbering 320 were able to cover a further 50 percent of the polling stations. All party coordinating units were established in the districts as well as at the national levels. Representatives of the political parties, the police and the election commission, and PAFFREL, received reports of violations and problems relayed from the field on polling day and took action to diffuse potentially harmful events and resolve problems.

A team of international observers were fielded by PAFFREL through its regional partner ANFREL (Asian Network for Free Elections), and deployed in selected districts. Polling observations in the north of the country covered all polling stations on Election Day, and in the rest of the country approximately a third of the stations were covered. This report is about the observation and the conclusions drawn from them.

During the pre-election period PAFFREL recorded 572 complaints of violations, intimidation of opponents, violence and murder, and attacks on campaign offices leading up to polling day. There were four murders and a total of 127 confirmed election related assaults and 18 shootings were recorded. Many instances were recorded, 48,

misuse of state resources and acting against the spirit of the election law in the use of the state media and conduct of state institutions.

On Election Day, before the polls closed the state run TV announced that the candidate General Fonseka was ineligible to be a candidate because he was not on the official electoral list. It is possible that this dissuaded some undecided voters who had not cast their ballot up to that time to either refrain from voting for the General or change their intended vote. The legal position on this matter has not been definitively cleared.

The Commissioner of Elections came on the air later in the day to affirm that the candidate General Sarath Fonseka's nomination was in order despite him not being a voter. However, this announcement came later in the afternoon and whatever negative effect the earlier state media announcement might have had was unlikely to have been reversed . In this matter it would have been best if the coalition that had fielded General Fonseka had carefully examined this matter and affirmed to the electorate their position regarding his candidacy. The confusion created when the media, as is customary, was unable to get the images of the chief opposition candidate after casting his vote could have been avoided if the coalition parties, especially its main partner, had followed principles of transparency and accountability to its own following.

This election also introduced another unfortunate feature. With an exchange of SMS rumors claiming fraud, intimidation of the Commissioner Election, and rigging of the votes during the digitizing process, confidence in the integrity of the system was lowered especially among those voters who did not back the winning candidate. Messages were also made before the election predicting dire outcomes if the result was different from what the senders of the message expected. Unfortunately the Elections Commissioner may have contributed to a continuation of doubts about the electoral system through his official statements when the results were announced. A week later he reversed his public statement about resigning from office because he was unable to carry out his official functions with the level of integrity that the office demanded.

Background

Provincial elections were held in 2008-2009 after dissolving the Councils well in advance of their due date but in accordance with the legal requirements. These elections gave the ruling party in the government significant electoral gains and the elections were campaigned not on the basis of provincial needs but rather national level imperatives and an endorsement of the government's policy and conduct of the war.

This was the first island – wide electoral contest since the military defeat of the LTTE in May of 2009. During the Provincial Council elections that were held during 2008-2009 the ruling party contested with a strong message to the electorate. First, the government indicated its resolve to defeat the LTTE in the battlefield and the battle-field victories gained and the need for a further mandate to complete the victory. After the war, it reminded the electorate of its war success and ridding the country of the LTTE terrorist threat. The Presidential election pitted the incumbent against his recent military commander, General Sarath Fonseka who also had been a determined advocate for defeating the LTTE in the battle-field.

In the north, the election process was hampered by the fact that the electoral lists were not on the same basis as in other parts of the country, that is updated to reflect the present population conditions. Furthermore, the disturbed conditions, the movement of population due to the war, their stay in displacement camps after the war ended in May and resettlement, in some cases in new settlements, all contributed to conditions far from ideal to hold a free and fair election.

However, as done since the first provincial council elections and the Presidential elections in 1988, the principle that that was maintained seemed to be that giving expression to democratic processes, though incomplete, is better than postponement till ideal conditions are created. Therefore, in conducting the election in the north, Jaffna and Vanni, there was considerable room for improvement in the election process; e.g. voter education, updated voter lists, preparedness of the election machinery including the officers, and access to places of polling especially for the displaced.

There was tension, and concerns expressed by the two main contestants about the possibility of extraordinary and non-constitutional action in the period after the polling ended and before the results were announced the next day. The joint opposition candidate had moved to a hotel in Colombo on Election Day and military personnel surrounded it on Election Day tending to obstruct the free movement to and from this location. A few days after the election and after the results of the victory for the incumbent were announced; General Fonseka was arrested by the military on the grounds of violating military laws.

Conclusions

The Presidential Election held on 26 January 2010 was conducted with the oversight of the Elections Commission and was relatively peaceful on Election Day despite the possibility for a much more heated struggle, as the days leading to the election had indicated. But on polling day when the political parties withdrew from the scene and the state provided the security for ordinary citizens to exercise their vote freely there was no problem in ensuring a free and fair process of voting. We did not have any complaints of large scale intimidation and use of violence against voters, forceful entry into polling stations, systematic impersonation etc which had become common in the post 1977 period.

During the pre-election period the Commissioner of Elections expressed consternation to the press regarding his apparent inability to effectively implement the election laws due to interference and imposition by representatives of the ruling party. Specific areas where he seemed to be exasperated about were the transfer of police officers, the use of public resources for campaign work and non-removal of illegal campaign material and campaign offices.

This election once again indicated the considerable room for improvement in the conduct of elections in Sri Lanka. The contesting political parties need to be better aware of their full responsibilities to the electorate and their responsibility to uphold both the letter and the spirit of the laws in place. The political parties might also pay more attention to working with the Election Commissioner on a continuing basis in order to develop and establish good conduct in the electoral process.

The blatant disregard shown by the candidates and parties for the election laws and the Election Commissioner's directives regarding election propaganda and campaigning, display of cutouts and posters, campaign offices, electronic media and the misuse of state resources by whichever party is in power, the recurrent complaints of ineffective actions and partiality of the police created the impression that during the campaign period the criteria for being fair can be disregarded. In particular, the expectation that the party in power is entitled to an advantage in the use of public resources and support from the police with hardly any of the complaints of violations being followed through creates the space for violence.

It seems that the time is opportune for major political parties to lead the way in developing strict codes of conduct that uphold the principles of good governance. To this end they could engage in continuing conversations with their constituencies in order to improve their performance of the primary role they are established to perform, democratic representation. In order to be good partners in the process of sustainable development the political parties might do well to consider establishing principles of good governance in their own organizations. This would require strengthening democracy within their party organizations. Of course not all political parties subscribe to democratic organization and this is also important to consider, while noting they all are duty bound to respect and act within the constitution and its provisions.

A code of conduct for elections will also include strict intra party discipline, non-violent and democratic inter-party relations where each party respects the rights of the other to campaign democratically and freely conduct advocacy to reach their constituents, refrain from harassment of voters who support their rivals etc. The code prepared by the Indian Elections Commission is an example, and there is an opportunity for a major effort to prepare such a code for Sri Lanka with the participation of the citizens, political parties and institutions of election.

While the Election Commissioner has conducted the tasks of office responsibly and with diligence, given the constraints of resources and various real and presumed impediments, the call to extend the authority of this office might seem misplaced. The reduction of trust in the fairness of the electoral process, can erode and undermine the democratic process. This perception has reared up not because of the negligence or weakness of one institution or agency but perhaps, due to many shortcomings in many areas of operation and their conduct.

There is also another issue that PAFFREL wishes to draw attention to - the freedom of parties to conduct their political campaign. This is independent of the problems of the misuse of state resources that can give undue advantage to the ruling party. Some may hold the view that despite various flaws in the election campaign - e.g. attacks on JVP office and other party offices - the main parties were able to campaign and hold their meetings for the most part without undue obstruction. The meetings were well attended and political parties were able to implement their full schedule. Now we appear to be past the stage when electorates were strongholds of particular parties and widespread intimidation was used to prevent the rivals from campaigning.

The election raised questions about how a ruling party ought to conduct itself and manage the institutions of government, and use the state controlled media. Clearly there is need for concerted action by political parties, the Elections Commissioner, Civil Society and others to engage in a conversation to better manage the election process as it relates to the use and misuse of resources both public and private. *In this context PAFFREL while thanking the Election Commissioner for recognising the contribution of civil society to the effort to make elections free and fair and in accordance with the election law would like to mention that in addition to PAFFREL and CMEV, other election monitoring organisations too should be allowed the facilities to observe the elections within the polling stations. Mobile observers also should be allowed to visit polling stations since they carry out a special function that stationary observers cannot do, being restricted to one spot. The function and contribution of civil society observers is independent and complementary to that of the Election Commissioner's officials and police and ought not to be at the sole discretion of the Election Commissioner and his officials at district level.*

INTRODUCTION

The Monitoring Process

The Commissioner of Elections approved PAFFREL to monitor the Presidential Elections of 26 January 2010.

PAFFREL is the oldest election monitoring body in the country and has monitored every election since 1988. Starting with the presidential election of 1988 PAFFREL has monitored every presidential, parliamentary, provincial council and local government election conducted in the country.

With the authority obtained from the Commissioner of Elections PAFFREL decided to place stationary monitors in approximately 30% of the polling booths throughout the country and in the north all polling booths were monitored by a stationary monitor. All polling booth divisions were to be covered by mobile and stationary monitors.

A total of 2,884 stationary monitors reported on election-day and observed polling in 2,868 polling stations. Female observers accounted for 60% of the stationary observers. The total number of polling stations established by the elections commission was 10,875, thus 26 percent of the total was systematically observed by PAFFREL with trained observers placed at the polling stations. Mobile monitoring teams numbering 320 were able to cover a further 50 percent of the polling stations. The stations to be observed were selected after deliberations by the PAFFREL district-coordinating unit in discussions with members and after examining the information on adverse events prior to the election and expectation of untoward events. Unfortunately, financial resources determined the proportion of stations to be monitored. However, special attention was paid to the north, which was coming into the electoral process after many years.

Observing elections is a challenging task and people with a high degree of impartiality are selected and deployed as monitors. The monitors are carefully selected from members of local non-government organizations and prior to deployment are trained by competent and experienced resource persons. PAFFREL acknowledges that training of observers

is the key to efficient observation of the election and needs to be upgraded at every election.

The process is managed by the Executive Director and his team who form an operations unit that is guided by PAFFREL's Board of Directors.

At district level co-ordinators are engaged as Field Co-ordinators, District co-ordinators and Divisional co-ordinators.

26 field co-ordinators worked as the link between PAFFREL head office in Colombo and the respective district co-ordinators. The field co-ordinators also

- ensured that directives from the head office are correctly implemented and all necessary material was at hand when needed.
- 26 district co-ordinators were the link between PAFFREL and its collaborating partners and ensure implementation of details of the project.
- 160 divisional co-ordinators facilitated organization of the monitoring process at the local level. They also received and gathered information on the ground situation during the pre-election period, on election day and during the post poll period. It is these persons who collected and verified information on election malpractice, incidents of violence etc. they function as long-term monitors/observers.

PAFFREL also obtained the authorization of the Commissioner of Elections to bring a team of independent international monitors from The Asian Net Work for Free Elections (ANFREL) of which PAFFREL is partner. ANFREL is well experienced in Sri Lanka and in the region in observing elections. Fourteen members from ANFREL monitored the situation from one week prior to the election to approximately one week after the election was completed.

For purposes of monitoring, the election period is divided into three phases: the pre-election period, election-day and the post election period.

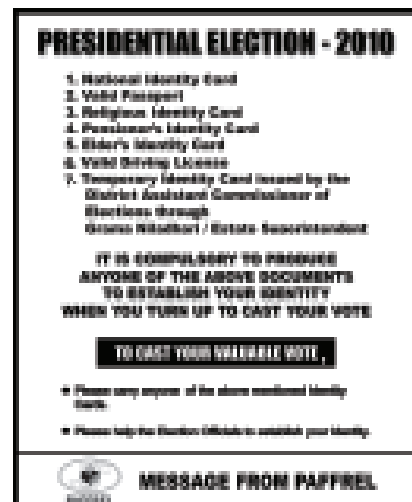
- The pre-election period of the presidential election commenced from 17 December 2009 (the day elections were officially announced) up to election day. During this period divisional co-ordinators monitor the conduct of the election campaign carried out by the different parties. Experience has shown most election malpractice takes place during this period.

- On election-day, mobile and stationary monitors observed proceedings from the time polling booths opened until the booths were closed. At the end of polls they forwarded their reports to the head office via the district offices using forms specially prepared for the purpose.
- The post election observation period continued for two weeks after the poll. Divisional co-ordinators observed the ground situation, verify complaints of violence and report to the head office so steps can be taken to take remedial action.

During the entire election period PAFFREL issued periodic situation reports. This the formal report on the conduct of the election which includes recommendations for improving the electoral process.

Voter Education

After many years of discussion spearheaded by PAFFREL, the Elections Commissioner has extended the mandatory requirement of an official identity card (ID) to be produced by voters in order to exercise their franchise. National identity card or a valid document approved by the Commissioner of Elections had to be presented on entering a polling booth to establish voter identity prior to casting their vote.



This presented some problems for the recently displaced potential voters in the north. The absence of support documents, confusion regarding where they had to go to obtain the necessary documents and how it was to be done seems to have hampered a significant proportion of the population. To overcome this problem negotiations were held with the Commissioner of Elections and a solution found to the problem. The commissioner authorized Grama Niladharis (village level government official) to attest the applications for issuing temporary identity documents for the purpose of voting at the presidential election. These identity papers would be issued either by the either by an Assistant Commissioner of Elections of the relevant district or the Divisional Secretary.

The following types of proof of identity was acceptable to the Commissioner of Elections at the presidential election:

- National Identity Card issued by the Department of Registration of Persons.

- A valid Passport.
- A valid Driver's License.
- Government Service Pension ID Card
- Senior Citizen's ID Card.
- ID Card issued to clergy by the Dept. of Registration of Persons.
- Temporary ID Cards issued for Provincial Council Elections except for the Northern Province.
- Temporary ID Cards issued by the Dept. of Registrations of Persons for the purpose of casting votes at the election of 2010.
- Temporary ID's issued by the Dept. of Elections.

All voters must submit one of these ID's before collecting the ballot papers at polling centres.

All-Party Operation Room

On the instruction of the Commissioner of Elections PAFFREL helped establish an All Party Operations Room. The All-Party Operations Room consists of senior representatives of all contesting parties, police officers headed by a Deputy Inspector General of Police, senior officers of the Commissioner of Elections Department and members of PAFFREL and CMEV which were the two officially approved election monitoring bodies.

The objective of this body is to bring ranking members of contesting parties together on election day, oversee complaints received and help mediate any problems which arise to bring about amicable solutions. Thus nipping problems in the bud before they escalate into major issues.

PAFFREL sent its representatives to the main monitoring centre at the Elections Secretariat and 22 All Party Monitoring Centres at district level and also to 333 divisional level all party monitoring centres.

Reactivation of Citizens Committees

Citizens Committees comprising religious leaders, members of civil society, government officers, professionals, and senior citizens were formed when PAFFREL initially commenced monitoring elections. These committees were set up in electoral districts and operated under the general direction of PAFFREL during monitoring of elections.

These Citizens Committees were reactivated to aid building a co-operative leadership at divisional level and to help settle disputes between opposing political parties during the election period.

Political Parties

Since independence the United National Party (UNP) and the Sri Lanka Freedom Party have ruled the country. Both parties had more often than not formed coalitions with smaller ethnic-based parties to form stable governments.

Today's governing party is a coalition of the Sri Lanka Freedom Party, and eight other parties –the Jathika Hela Urumaya, the National Freedom Front, the Sri Lanka communist Party, the Lanka Sama Samaja Party, the Mahajana Eksath Peramuna, the National Unity Alliance, the Ceylon Workers Congress, the Up country People's Front, the Thamil Makkal Viduthalai Pulihal and cross-overs from the UNP.

The United National Front comprising the UNP, the Sri Lanka Muslim Congress, the Sri Lanka Freedom Party (Mahajana wing), the Democratic People's Front and the Janatha Vimukthi Peramuna joined hands to support General Sarath Fonseka's bid to challenge the presidency.

These parties believed their best chance to defeat the incumbent president lay in fielding a candidate whose appeal to the voters would be made on the claim to a military victory over the LTTE.

The Tamil National Alliance a grouping brought together by the LTTE during the time it controlled large swathes of territory in the north and east and self-admittedly spokesman for the LTTE in parliament subsequently decided to support the opposition candidate General Sarath Fonseka.

THE PRE-ELECTION PERIOD

The Commissioner of Elections announced on 17 December 2009, under Section 2 Act 15 of 1981, that the election of the sixth President of Sri Lanka would be held on 26 January 2010. Acceptance of nominations for candidates was fixed for 17th December 2009. The applications of 22 political parties and independent groups were accepted by the Commissioner of elections.

PAFFREL's observation and monitoring of the election commenced from the day elections were officially announced. The process commenced with discussions with national, district and local organizations regarding the requirements for the monitoring process. District and divisional offices were established. Discussions with the Commissioner of

Elections, the police department and contesting political parties also commenced on issues connected with the poll.

The election was special in that it was to be the first national election to be held after the war in all areas of the country after a period of 26 years.

Table 1 provides a summary of the details of the 26 January 2010 presidential election

TABLE 1 Summary of 2010 Presidential Election

Total No. of voters	Total No. of polling stations	Total No. of political parties contesting	Total No. of independent groups contesting	Total No. of candidates	No. of provinces	No. of electoral districts
14,088,500	10,875	17	05	22	09	22

During the pre election period several serious incidents were reported. There were 757 incidents reported to PAFFREL out of which more than 300 incidents were serious in nature. There were 4 killings and 127 assaults and 185 incidents of attacks of party offices and over 150 were hospitalized. The statements made by the Election Commissioner indicated clearly that the cooperation he expected from the relevant authorities were not up to his expectation.

Daily, many incidents of violations of election laws and procedures were reported. These were evident due to actions undertaken by the main political contestants. Further state resources were utilized at these elections on a large scale. It is regrettable to note that all attempts made by the Election Commissioner to persuade the state media to give fair coverage to the opposition candidates was futile. Similarly the guidelines given by the Election Commissioner to the private media were also not adhered to by some of the private media organizations. The Election Commissioner issued guidelines to the media and appointed a Competent Authority to the state media to ensure fair coverage but withdrew him shortly thereafter on the grounds that his appointee was not able to discharge his duties in a satisfactory manner.

Propaganda Activities and election related violence

The period between nominations for the elections and the day of the polling saw an increase in clashes between the main political groupings when compared with the presidential election of 2005. However, the number of clashes between the two main contesting parties was substantially less than the violence which occurred during the presidential election of 1999.

PAFFREL received a total of 206 complaints of clashes between political parties during the presidential election of 2010 as compared to 172 incidents reported during the poll of 2005. In addition 25 incidents of damage to fixed assets of political parties as well as of individual supporters of political parties.

In what was designed to be a call for an incident free poll, the main political parties made a joint call to their supporters to ensure polling would be free of violence.

Role of State Institutions, Influencing Voters and Illegal promotional material

PAFFREL received a large number of complaints of candidates displaying posters and cut-outs in violation of election law. In fact illegal displays of promotional material was obviously evident.

State institutions are expected to remain neutral during elections. However, there has been a growing trend especially on the part of the police force to be hesitant, or give the appearance of hesitancy in using the law when there are misdeeds of state actors during election time. Some of the more blatant acts in this regard included the refusal/inability of the police in some areas to remove illegal cutouts and posters of the presidential candidate of the governing party despite orders to do so by the Commissioner of Elections himself.

At a media briefing the Commissioner of Elections said he would no longer write to the Inspector General of Police regarding his officers inability to carry out his instructions as the exercise had proved fruitless. The private media exposed an instance where police hierarchy had instructed lower ranked members to vote for a particular presidential candidate

Opposition parties complained that the police acted in a partial manner when meetings were disrupted.

The election law

requires that all parties and candidates end their campaigning 48 hours prior to Election Day. Media institutions too are not permitted to carry election related material which could be constituted as canvassing for a particular candidate. However the state media acted in breach of this law campaigning aggressively on behalf of a particular candidate –the incumbent President. Though the Commission of Elections could have sought redress through the Supreme Court, he chose to take no action.

Role of the Police Department

Election campaign units were set up at all police stations and there are a total of 36 police divisions in the country. Unfortunately it appeared the police were not able to enforce the law impartially. Despite the law being clear regarding election promotional material the fact that the Police Commission was inoperative may have been a reason to hinder the ability of the police force to act impartially.

Though transfers of police officers is banned during the period of elections, on two occasions the police department breached this ruling and the Commissioner of Elections had to order the cancellation of the transfer.

This may have been a cause for the increased violence witnessed during the run-up to the presidential elections of 2010 as police officers were not willing to see their career prospects damaged in the absence of an independent body governing their actions.

The Role of the Commissioner of Elections

The failure to fully implement the 17th Amendment to the Constitution by successive Presidents has resulted in a serious undermining of the authority of the Commissioner of Elections. In comments made to political parties and widely reported in the media, the Commissioner said his guidelines and instructions to the police department, the state controlled media and government institutions were largely ignored.

However the Commissioner was successful in halting the transfer of public servants after the date of elections were announced. PAFFREL publicly took up the position that the Election Commissioner's directives needed to be complied with by the relevant state organs.

Several transfers of public servants were successfully halted, e.g.

SP Amparai to Killinochchi

DIG northern province transferred to Colombo to carry out duties from Colombo

OIC Vavuniya, HQ division to welfare Division in Colombo.

Table 2 Violation of election laws –pre-election

TABLE 3 Violation of election laws –pre-election

Nature of violation	Confirmed	Unconfirmed	Total
Murder	4		4
Assaults	127	41	168
Bombings	2		2
Shootings	18	5	
Abduction	1		1
Attempted abduction	1		1
Threats and intimidation	39	16	55
Burning/damage to party offices	185	21	206
Damage to fixed assets	21	4	25
Damage to movable property	17	1	18
Damage to election propaganda material incl. cutouts	37	7	44
Disruption of election campaigns	5	1	6
Partiality of public servants	5	5	10
Abuse of state power and resources	46	18	64
Illegal propaganda	32	3	66
Irregular transfer of state officials	2	1	3
Threats and intimidation by security forces	3	4	9
Undue influence by security forces	2		2
impersonation	1		1
Grabbing of poll cards	2	2	4
Using bribery as a means of influencing the ballot	2	2	4
others	1	29	30
Total	572	179	757

POLLING DAY

Postal Voting

Postal voting is a facility available for those employed in government service and was held on the 12th and 13th of January 2010. A total of 458,154 applications were received by the department of Elections. Of this number 57,036 were rejected. Total number of postal votes thus stood at 401,118.

PAFFREL deployed mobile and stationary monitors on both days of voting in all 22 districts. Approximately 50% of the postal voting centres were monitored. Special attention was paid to voting centres such as the Sri Lanka Transport Board, police stations and training institutes which were politically sensitive and where a large number of postal votes were to be cast.

Media reports drew attention to reports of attempts to influence voters. One such case (media report) was an attempt by ranking officers in the police force to influence subordinates to vote for a particular candidate.

Reports of attempts to influence voters were also reported from Ratnapura, Tangalle and Matale (PAFFREL monitors). The JVP complained that its officials were prevented from entering counting centres at the Saliyapura military camp.

Polling Day

The Presidential Election was relatively peaceful on Election Day despite the possibility for a much more heated struggle, as the days leading to the election had indicated. PAFFREL did not have any complaints of large



scale intimidation and use of violence against voters, forceful entry into polling stations, systematic impersonation etc which had become common in the post 1977 period. Though

polling day was relatively peaceful 71 election related violations were reported to PAFFREL. Of these 35 were confirmed and four were of a serious nature.



Table 3 gives breakdown of violence on the day of the hustings.

TABLE 3 Election Day - Reported Incidents

Nature of the violation	Confirmed	Unconfirmed	Total
Assaults	4	2	6
Bomb attacks	2	1	3
Threats and intimidation	4	7	11
Damage to movable property	1		1
Shootings	1		1
Obstructions to candidates representatives	3		3
Obstructing voters/driving voter away	4	8	12
Using undue influence on voter	5	4	9
Obstructing voters in polling		2	2
Production of fraudulent ID card		1	1
Grabbing of ID cards		1	1
Bribing voters			1
Removal of polling cards			2
Illegal transport of voters	3	1	4
Breaking election law re propaganda activities on election day	8	1	9
Lack of impartiality of Election Officers	1	1	2
Obstruction of election monitors		2	2
Transport of illegal ballot boxes		1	1
Others		1	1
Total	36	33	71

The present election has been the first national election to be held in all parts of the northern province in 26 years without threats of intimidation or warnings to the populace to refrain from voting.

Situation in the Provinces

Western Province

The present election has been the first national election to be held in all parts of the northern province in 26 years without threats of intimidation or warnings to the populace to refrain from voting.

A total of 4 incidents were reported from the Western Province. One case of treat and intimidation was recorded; two cases of threats to voters and one case of illegal propaganda activities were noted.

At Negombo in the Gampaha district large crowds were seen on the Dalukotuwa –Chilaw road threatening voters.

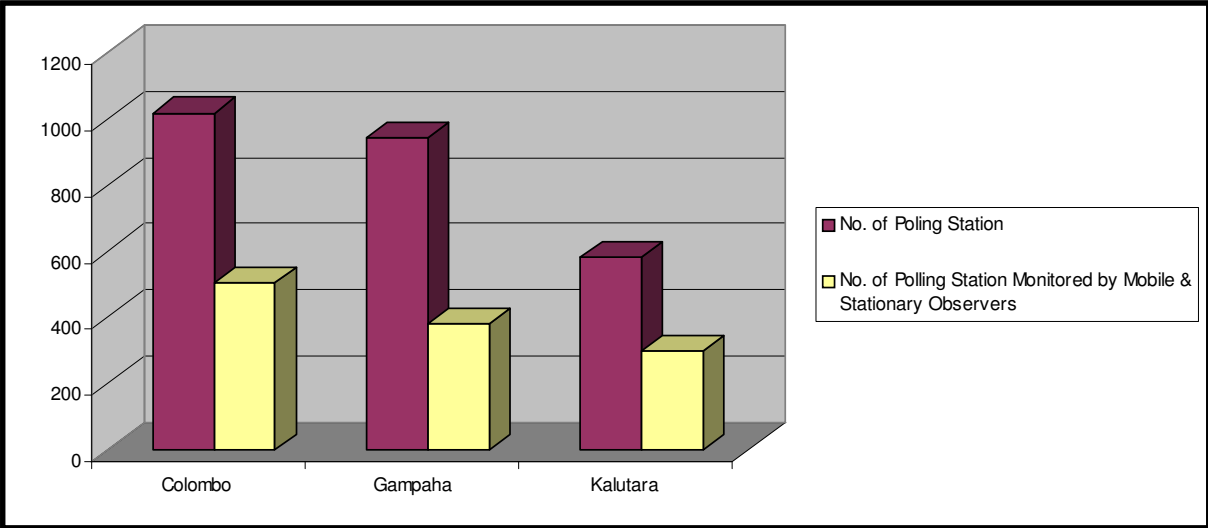
Police intervened on numerous occasions to disperse the mob, but they re-assembled once the police departed.

In the Kesbewa polling division it was reported supporters of the New Democratic Front engaged in illegal propaganda activities.

In the polling division of Bandaragama at the Welimilla sri Saralanka polling station UPFA supporters harassed voters demanding they cast their vote for Prs. Mahinda Rajapaksa.

UPFA supporters at the Kalutara Highway Engineers office threatened voters and the Grama Sevaka officer.

Western Province- Polling Centre Covered by the Monitors



Southern Province

Five incidents were reported from the southern Province on election day. One incident related to a complaint of assault, one of shooting; two of illegal propaganda activities and one of illegal transport of voters to polling stations.

At the Mulkirigala polling division in the Hambantota district, the polling agents of the New Democratic Front at polling station No. 14 (Komadiya) were assaulted and their voters lists grabbed/stolen.

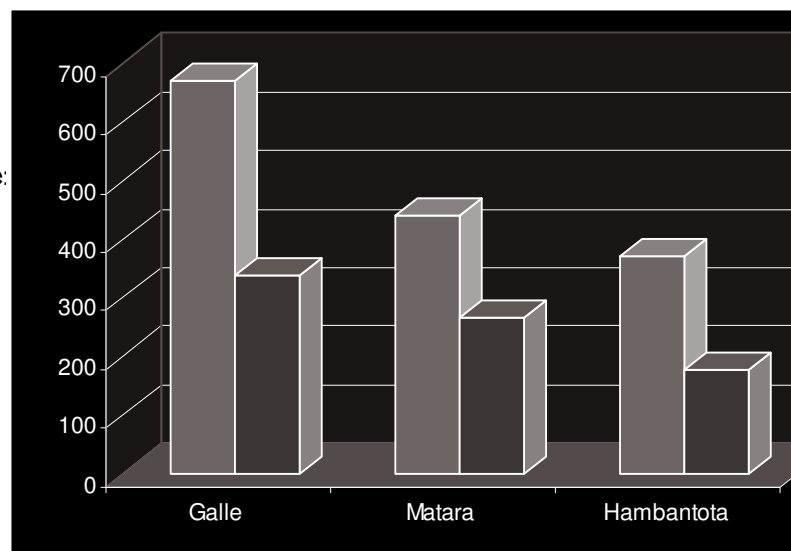
Polling stations in the vicinity of the Tangalla junction were spray painted with The betel leaf symbol in the polling division of the Hambantota district.

At the Beliatta polling division in the Weliwitta grama sevaka division in the Hambantota district the 'Nil Balakaya' carried out illegal propaganda activities

A group led by a deputy minister and included eight police personnel and a local government member opened fire at the house of a UNP supporter situated at Church road, Katugoda.

In the Akmeemana polling division a complaint was received that vehicle No. 53 5648 belonging to the district Secretariat was being used to transport voters to polling stations.

Southern Province- Polling Centre Coverage



Central Province

Ten complaints were received from the Central Province, two of which related to assault; three of threat and intimidation; one of intimidation of election staff and three complaints of chasing away of voters.

At the Nawalapitiya polling division in the Weligampola area the voters lists of the New Democratic Front were robbed.

At the Kundasale polling division at the Asokarama Vihara UPFA supporters engaged in illegal propaganda activities.

At Senkadagala an armed group a supporter of a local politician assaulted the brother of a JVP parliamentarian.

In the Hinguranketa polling division in the Nuwara Eliya district at the Pilagolla/Udamakuruppuwa polling station a group of thugs forcibly collected polling cards of voters and chased them away.

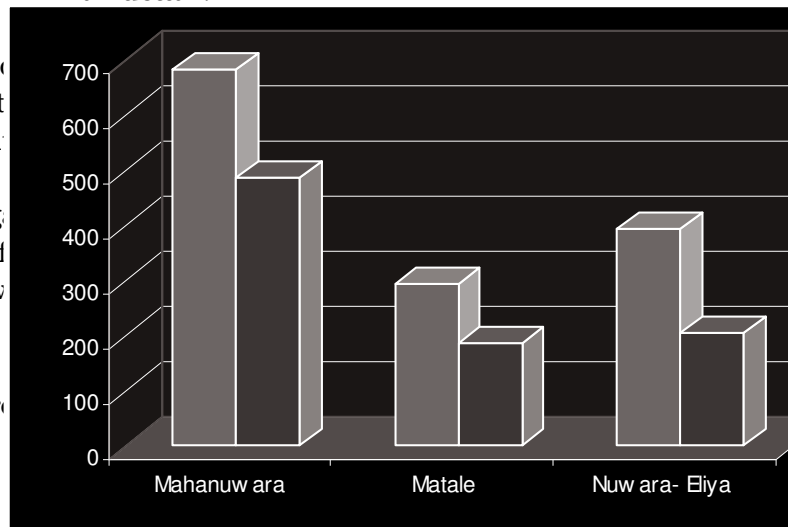
At the Nawalapitiya polling division in the Kandy district an attempt to stuff ballot boxes resulted in a scuffle between voters and the gang who attempted to stuff the boxes. Both parties received injuries, but a complaint was not registered with the police.

In the Kotmale polling division of the Nuwara Eliya district at Goraka Oya Vidyalaya a JVP supporter was challenged and intimidated by a gang. The gang damaged his bike and threatened him with death.

UPFA Pradeshhiya sabha and local group
 Away voters from polling stations at
 Nawalapitiya Kadiresan Galpaya Mi

On receiving information that two g
 division a group of JVP members lef
 The jeep was ambushed by a gang v
 Completely damaged.

Central Province- Polling Centre Cover



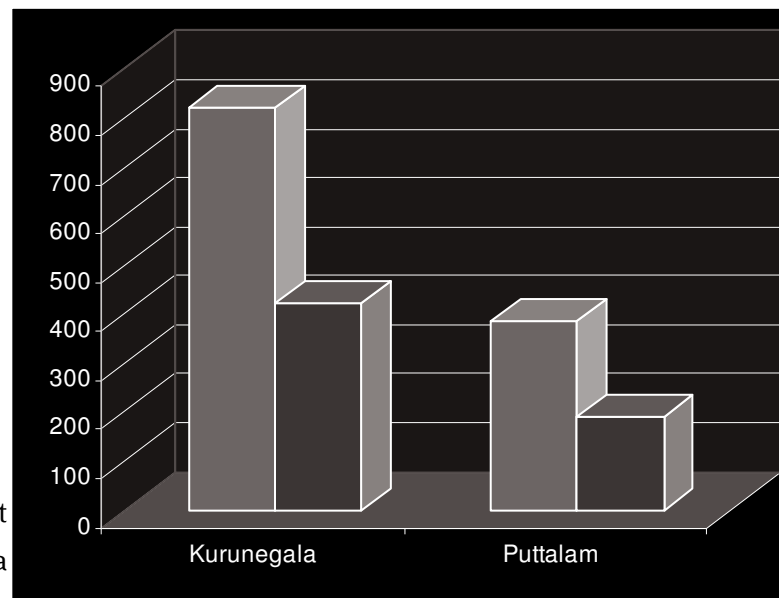
North Western Province

Two incidents, one of threat and intimidation and the other of chasing away voters were reported from Wayamba. Both incidents took place in the Kurunegala district.

A group in the Katugampola polling division challenged and intimidated voters coming to the Hamangala polling station.

In a second incident an armed gang threatened and chased away voters at the same polling station.

North Western Province- Polling Centre Covered by the Monitors



Sabaragamuwa Province

Three incidents were reported from t damage to fixed assets, one of illegal one of election officers behaving in a biased manner were reported.

At the polling station at Samaneris Vidyalaya in the Kegalle polling division the two major parties spread illegal propaganda material on the ground outside the polling station.

The senior presiding officer of the polling station No. 29 'Morathota Vidyalaya' is reported to have questioned Tamil-speaking voters whether they were voting

for the Swan or the Goose. He is also reported to have personally cast the votes of weak, ailing and disabled voters.

Sabaragamuwa Province- Polling Centre Covered by the Monitors

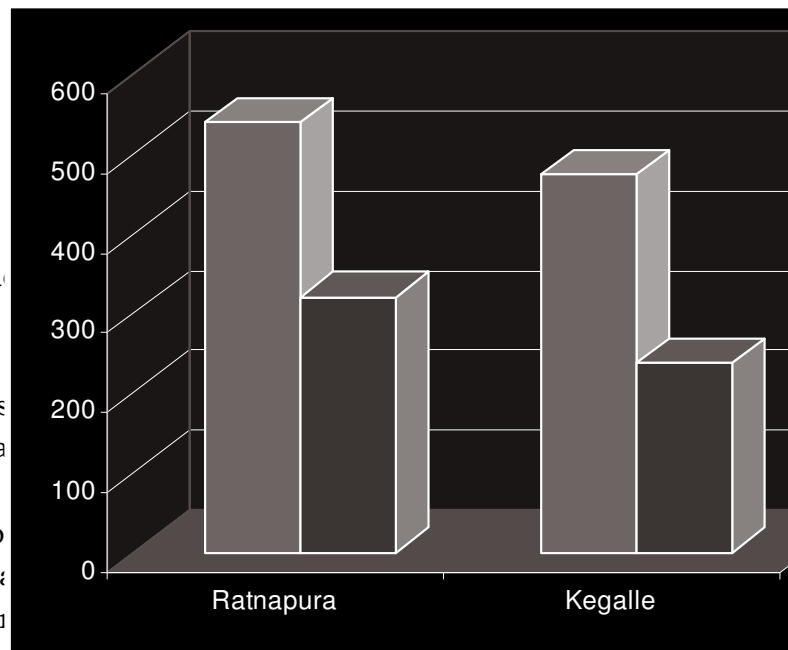
Eastern Province

Three incidents were reported from intimidation of voters and one incident from intimidation of polling stations were reported.

In the Muttur polling division voters were intimidated at polling stations At 'Al Ilal Maha Vidyalaya and at Pulmudai.

A group of 50 persons gathered approximately 100 meters from Nos. 1 & 2 at Mineral Sands Sinhala and intimidated voters to cast their vote for President Mahinda Rajapaksa.

Samurdhi Officers at the Mineral Sands Maha Vidyalaya in Pulmudai polling station called on voters to cast their votes for President Mahinda Rajapaksa.



Eastern Province- Polling Centre Covered by the Monitors

Northern Province

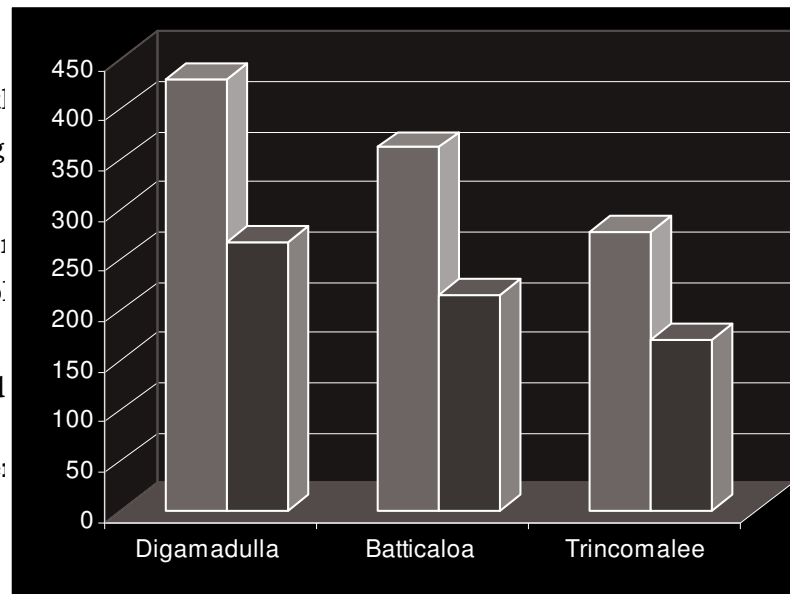
Three incidents were reported from the Northern Province. Two incidents related to bomb explosions and an incident of illegal transport of voters to polling stations.

A hand bomb was exploded outside the polling division prior to the opening

PAFFREL election monitors were the polling station in the Vaddukaidai

Two bomb explosions were reported

Northern Province- Polling Centre Covered



North Central Province

One incident of assault , two reports of illegal propaganda activities and one at incident of illegal transport of voters to polling stations were reported from the North Central Province.

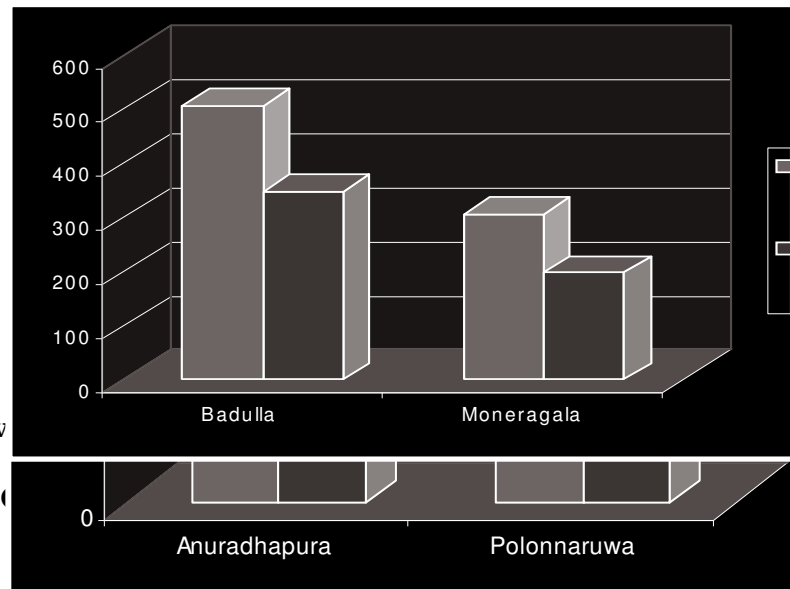
Two UPFA provincial councilors transported illegally voters to the polling station at the primary school at Bandaragama in the Welikanda polling division.

Illegal election propaganda material was spread outside the Kalangkutti polling Station in the Kalawewa polling division.

Illegal election propaganda material was spread on the roadside in Anuradhapura East.

A local government representative and his two sons were reported to have assaulted an individual at Digapitiya, in the Minneriya polling division.

North Central Province - Polling Centre Covered by the Monitors



Uva Province

An incident of pressurizing voters w

Uwa Central Province - Polling Centre (