

LOCAL AUTHORITY ELECTIONS – BATTICALOA DISTRICT
SECOND SITUATION REPORT – PAFFREL
5 MARCH 2008

The district of Batticaloa has a total voting population of 330, 950 persons according to the official voter list of 2006¹. The local authority elections to be held on 10 March will involve 270, 471 voters who will be choosing representatives for nine local authorities including the Batticaloa Municipal Council. In 2006, elections were held and representatives selected for three local authorities of the district. The elections commissioner determined that the then prevailing security situation in the remaining nine local authority areas was not conducive to hold the elections. This action, in effect, deprived these of the democratic opportunity to elect their local level representatives and denied them an arrangement through which to have their needs addressed. The district had a population estimated to be approximately 556 thousand persons in 2006² and distributed over a total land area of 2.8 thousand square kilometers. Voting for the forthcoming poll will take place in 285 polling stations.

On 24 December 2007, the Minister of Local Government announced the dates calling for nominations through a special Gazette notification. The Commissioner of Elections announced that nominations should be handed over during the period 18-25 January and recognized six political parties and 22 independent groups as qualified to contest the elections. Accordingly, a total of 831 persons entered the contest that will select 101 representatives.

After nominations were called, some political parties and institutions have expressed their views and concerns that the prevailing conditions were not suitable for holding a free and fair election, and noting the presence of armed groups moving freely, the United National Party and the Tamil National Alliance decided not to contest the elections.

The fundamental rights petition that the Tamil National Alliance (TNA) addressed to the Supreme Court in mid January, citing the conditions in the election areas to be unsuited for free and fair elections and that it violated their electoral right was not accepted. The highest court determined that it could not intervene in the democratic process of an election that had been scheduled but added that it would be willing to lend support to the specific issue of the security and safety of the TNA if it was brought before it.

The decision of the UNP and the TNA to not contest the election has been based on their assessment of risk to candidates and party members in a situation where one group of

¹ Department of Elections. http://www.slelections.gov.lk/press_release.html

² Department of Census and Statistics.

http://www.statistics.gov.lk/Abstract_2006/abstract2006/table%202007/CHAP%202/AB2-1a.pdf

contestants is known to be armed. This withdrawal has reduced the electoral choice of the Batticaloa voter.

Postal Voting

During the two days of 21 and 22 of February, voters who had received the right cast their ballots through the postal voting arrangement at 72 designated stations. A total of 1,004 persons had applied for this privilege and 934 were granted the right, and of them 93% voted. A *Hartal* in the Kaathankudy District Secretary area hampered the postal voting on the first day, however, voting continued on the following day, with most of the votes to be cast at the polling station there being cast.

Election Campaigning

PAFFREL election observers report that by the end of February the campaign is starting to liven up compared with the subdued atmosphere that had prevailed up to then. Small meetings, distribution of handbills and flyers to the voters, movement of small groups of campaigners visiting homes is occurring with greater frequency now. However, the electoral competition is considered by some to be lower than if the UNP and TNA were contesting, and further because the TMVP is contesting the important Municipal Council under the ruling UPFA, and the independent group formed by EPDP/PLOTE/EPRLF is also viewed as under some degree of government patronage. Meanwhile, the caution and concern that voters have about the armed groups contributes to the relatively low key campaign. The programs that the contesting parties intend to implement have not yet been clearly presented to the voters in many areas. In some parts of the district, people were only aware of two contesting groups and in some others, no contestants had visited the areas as of yet, according to the information that we have gathered. At the end of February, the media spokesperson for the TMVP announced that their manifesto for the election will be released soon.

Security and Safety

It is apparent that the security forces and the Police are taking care to ensure that the environment for the election will be as secure and as safe as possible. The DIG and the senior officers have been working in close collaboration with the local authorities and the contestants and the latter have been offered two armed police guards. However, PAFFREL has noted that some candidates are concerned about their personal safety and security after the election.

During the past six weeks following the call for nominations, PAFFREL has received complaints about a total of 26 incidents, of which four are in the serious category involving the use of explosives, property damage and injury and one case of abduction of a candidate. The majority of the incidents relate to threats and intimidation and none of the incidents have resulted in court cases being filed nor arrests being made.

As a comparison, at the Local Government elections in the Ampara District held during 2006, PAFFREL received a total of 14 major and 17 minor election related complaints on election day. Identity cards were made mandatory at this election and 14 of the 17 minor complaints were

related to impersonations. The Ampara district population was estimated at 627 thousand persons with a total of 409 thousand registered voters in 2006³.

In the Kaththankudy Police area, Mr. Sankaradas Sivanathan of the UPFA was abducted in on 25 January and was released after a couple of days. In the Valachchena Police area on 31 January, Mr. K.C. Karunaratne, a candidate of the Muslim Congress was the target of a grenade attack and in the same area, on 9 February a shop was set on fire and on 21 February Mr. Sithy Mohammed Lebbe was attacked and a grenade lobbed without causing injury. In the Eravur Police Area, on 19 February an armed group visited the home of a candidate of the Muslim Congress and urged him to withdraw from the competition. In the same area an explosive device was hurled at the home of independent candidate causing damage to the home and property. On 23 February, the newspapers reported that a set suicide bombing kits had been detected by the police⁴.

The voters remain concerned about the possibility of hindrances to a peaceful election because of the presence of armed groups in the area.

In light of the prevailing situation, PAFFREL has filed a fundamental rights application before the Supreme Court, seeking an order on the Commissioner of Elections, the IGP and the Secretary of Defense on three issues: disarm all contesting parties in the Batticaloa District, prohibit the use of state property and resources, by any individual or group, to promote the election of any political party or candidate in this election, direct the Elections Commissioner to cancel the votes in polling stations where irregularities occur and brought to official notice and call for fresh polls for the jurisdiction of that particular polling station.

PAFFREL has addressed the Supreme Court in order to prevent or substantially reduce the risk of events, from now until the election day that can prevent a free and fair election.

Conclusions and Suggestions

PAFFREL is submitting this report based on observations since the call for nominations and especially the work of a team of international observers deployed in the district. On the day of the election, these international observers will be joined by local observer teams and a team of mobile observers.

PAFFREL reiterates its support of the rights of the people of Batticaloa to have elected Local Authority representatives as in most other parts of Sri Lanka.

PAFFREL urges the Government to give clear directions to the security forces and police in the area to prevent violence and election related infractions that may increase as the election draws near due the presence of groups that have not been disarmed. This is a complex issue that relates to the entire region regarding recently militant armed groups that are being encouraged to enter the arena of elected, representative local office. Steps might have to be taken to assure the electorate that the government has clear short and medium term plans to address possible post election intimidation by these and other armed groups.

³ For population of Ampara district in 2006 see <http://www.statistics.gov.lk/PopHouSat/PDF/p20%20Mid-Year%20estimates.pdf> and for the registered voters in 2006 see http://www.slections.gov.lk/press_release.html

⁴ Lakkima 25 February, Divaina 23 February.

PAFFREL urges the Department of Elections, and all who are officially involved with the election, to take all reasonable and possible measures to ensure a fair election. Further we ask that all consideration be given to create the environment to enable the unarmed voters to exercise their franchise without intimidation by armed groups. As a measure to strengthen democracy, we urge that if a serious violation takes place in a polling station, to annul the vote there and hold a fresh election as soon as possible.



Kingsley Rodrigo
Chairman