

PROVINCIAL COUNCIL ELECTION – EASTER PROVINCE

10th May 2008

Third Interim Report – 12.5.2008

The Eastern Provincial Council Election process which began with the acceptance of nominations on 27th March 2008 came to an end on 10th May 2008. There were several principal events with regard to this Provincial Council election. They were:

- 13.3.2008 : The issue by the Commissioner General of Elections the notice calling for the nominations.
- 27.3.2008/30.4.2008 : The acceptance of nominations.
- 7.4.2008 : The filing of a petition with the Supreme Court by PAFREL Organization pleading for the issue of an order requiring the production of a valid document of identity for voting at this election.
- 28.4.2008 : The Supreme Court decided that as requested by the above petition a valid document of identity should be produced.
- 28.4.2008/29.4.2008 : Postal voting
- 7.5.2008 : The ending of the election propaganda activities.
- 10.5.2008 : Holding of the Eastern Provincial Council Election.

The complaints received regarding the election from the day of submitting nominations till the start of the poll on the day of the election – i.e. till 7.00 a.m. in the morning on 10th May 2008 could be regarded as complaints during the pre-election period. The events that took place complaints received during this pre-poll period can be tabulated as follows:

Table I

No.	Incident	Ampara	Trincomalee	Batticaloa	Common to all 3 Districts	Total
1.	Homicides	-	-	2	-	2
2.	Abductions	-	-	1	-	1
3.	Bomb blasts	-	1	1	1	3

4.	Assaults	11	1	9	-	21
5.	Threatens and intimidations	6	4	10	-	20
6.	Arson	-	1	-	-	1
7.	Damages to Properties	7	3	1	-	1
8.	Hartal	1	-	-	-	1
9.	Misusing the government properties	5	3	2	3	13
10.	Misusing the Authority	3	4	4	2	13
11.	Election rule violations	7	5	6	2	20
Total		40	22	36	8	106

As seen from this table which has been tabulated the incidents that took place from the nomination day to the polling day on 10.5.2008, a considerable number of incidents that took place during the whole of this period pertain to the misuse of government property and the state authority. If the radio broadcasts and television services that were targeted solely for the Eastern Province are included in this, a larger number of incidents than we have described as violations of election laws could be brought under this category of misusing the state authority. Accordingly more than half of the entirety of incidents that have taken place could be described as undue interventions by the government activists. This shows that this had created an undue advantage to the government.

It was with this set of circumstances in place That the election took place. As we categorically mentioned in the PAFFREL media statement that was issued on the day of the poll, the comparative fairness of an election cannot be determined on the basis of the incidents only on the day of the poll.

It is our belief that there are several other facts that have to be taken into consideration. There was an abuse of state resources and a certain amount of intimidations throughout the election period and the people approached this election with a mental stress caused by such intimidations. Therefore, we pay attention to the incidents that took place on the day of the poll on 10.5.2008 by keeping this fact in mind.

PAFFREL OBSERVATION

PAFFREL deployed 2,144 stationery monitors at 1,072 polling stations in the Eastern Province at this election. It also deployed 30 mobile vehicles to monitor the activities. One factor that needs attention is the escalation of the incidents that took place during the pre-election period. That number of incidents could be equaled to the number of incidents that had taken place at elections held country-wide including the Eastern Province. Thus:

Electoral Incidents	
2005 Presidential Election	172 incidents
2006 Local Government Election	68 incidents
2008 This Provincial Council Election	106 incidents

On the polling day too 83 incidents of a some what serious nature were reported to our mobile and international monitors. It is true that numerically this is not very large. However, in these, there were 24 cases of intimidation of voters and 21 cases of obstructing the polling agents from arriving at the polling stations assigned to them. As these incidents indicate, a number of serious incidents have taken place which acted as obstructions to the conducting of the poll being conducting in a free and a fair manner. A number of events that have obstructed to the holding of this poll in a free and a fair manner have received PAFFREL Organization’s attention. They can be summarized as follows:

- The fear psychosis that had spread all over the Eastern Province. (especially in Batticaloa District)

- The presence in the area of an armed group, the TMVP, which had associated itself with the government in liberating the Eastern Province from the LTTE control, and their activities with a special authority, and the fact that they were also contesting the poll.
- Unduly influencing the public opinion by the government by starting new economic development programmes which should not be done during a period of an election and against the election laws.
- Having radio broadcasting and television programmes targeted to the Eastern Province by using primarily the state media.
- Eruption of various conflicts due to a large number of leaders and activists of various political parties going to the Eastern Province from Colombo and other areas, residing there temporarily and engaging in electioneering activities with their supporters.
- Obstruction to the performance of duties by police and other administrative authorities due to ruling politicians interfering in activities in connection with the election.
- Due to various obstructions including intimidation some political parties could not deploy polling agents at some of the polling stations.

When we consider all these overall matters, it is not possible for PAFFREL to conclude that this election was a free and a fair election. Moreover, we see the escalation of violence during the election day, including attacks by the LTTE on civilian targets, as an attempt to defeat democracy. However, we consider that even under these difficult circumstances, this election held for the first time in the history of the Eastern Province has been one important step that opens the doors of democratic governance to the people in the East.