

PAFFREL INTERIM REPORT
ON THE EASTERN PROVINCIAL COUNCIL ELECTION

MAY 10, 2008

The election for the Eastern Provincial Council took place with serious incidents being reported from several areas and an environment of intimidation prevailing in the province. PAFFREL's mobile teams of election observers who have so far sent in reports covering 578 polling stations in the province, reported that in 21 polling stations, polling agents from the opposition parties were not permitted to come into the polling stations, and in 5 polling stations, polling agents who were inside were chased out, there were 14 cases of assault, and 24 cases of intimidation where voters were threatened not to cast their votes. In all 83 incidents have been reported both by mobile observers and direct complaints. In the large majority of the polling stations, conditions were relatively peaceful and voting took place without incident.

The main source of intimidation was inter-party rivalry. The majority of complaints were against the TMVP, but a significant number was due to intra-Muslim rivalry. Voter turnout also appears to have been affected by the terror attacks that took place due to the ongoing conflict between the government and LTTE. Several incidents occurred that appear to have been timed by the LTTE to cast a pall of fear and apprehension over the voters as they prepared to vote. There was mortar firing into Damana in the Ampara district which led to the fleeing of civilians on the day of the elections, and a bomb attack in a restaurant in Ampara town the previous day that killed at least 12 civilians and injured another 20. There was also an attack on a cargo ship in Trincomalee harbour that sank it.

The large presence of security forces and police acted as a deterrent to the forces of violence and electoral malpractice on Election Day. Reports from PAFFREL observers indicate that election officials from the Election Commissioner's Department also performed their duties with integrity.

PAFFREL Monitoring

During the pre-election period, PAFFREL utilized the services of long term observers in offices set up for the purpose in the three districts of the Eastern Province and who included 6 international observers drawn from the Non Violent Peace Force. PAFFREL also successfully filed legal action in the courts to ensure that identity cards were compulsory for the purposes of casting of votes.

On Election Day, PAFFREL utilized both stationary and mobile observers. There were 30 mobile teams covering the three districts and 2,144 stationary observers, which enabled PAFFREL to assign an average of two observers per polling station. PAFFREL also had the services of 11

international observers from the Non Violent Peace Force, 5 from the Asia Network for Free Elections and 3 independent international observers.

Intimidation in Pre Election Period

The relative fairness of an election cannot be determined solely by considering what occurs on election day, as there are a number of other factors which can affect the citizen's and political parties' ability to participate effectively in the democratic process.

PAFFREL notes that the period of the election campaign was marked by undercurrents of intimidation although there was low overt violence during the campaign itself. As a result, campaigning was carried out under a security environment not conducive to a free and fair election.

One of the controversial features of the elections was that the TMVP, which is a former militant group, continued to retain its arms on the grounds of self defence. The basic requirement for a free and fair election is that all the contesting parties are unarmed and not in a position to intimidate both their political rivals as well as voters who will be fearful to cross the path of the armed party. It should be noted that PAFFREL filed action in the courts calling for the disarming of the TMVP for the purposes of conducting free and fair elections prior to the Local Government Elections in March of this year, but without success due to the absence of jurisdiction of the courts in this matter.

Adding to this problem was the fact that the TMVP was contesting in alliance with the government, which put the system of checks and balances on electoral malpractice into jeopardy. There were numerous complaints from contesting parties of police and administrative inaction in the face of their complaints.

Reports from the opposition political parties contesting the eastern elections, and from election monitors and the media, highlighted a significant level of intimidation that obstructed the electoral campaigns of the opposition parties. There were allegations that the TMVP had been intimidating its political rivals. The very low level of campaigning by rival parties in some parts of the east was independently verified by election monitors and the media.

Abuse of State Property

Another feature of these elections that detracted from the standard of free and fair elections was the blatant misuse of state property to take forward the government's election campaign. PAFFREL observed state vehicles and buildings, including schools and rest houses belonging to various government departments being utilized for the election campaign. Both a radio station and a television station based in the east were utilized to propagate the government's point of view. The inauguration of several economic development projects in the east during the election period also conferred an unfair advantage on the government. While these abuses of government at elections have been a longstanding practice, they are unacceptable and need to be highlighted in order that public opprobrium and legal measures may be taken against the violators.

Conclusion

Despite the shortcomings of the election and relatively low participation of about 60 percent, these elections were important in that they represented for the first time the hopes and opinion of the people of the east through an electoral process that was confined to the Eastern Province alone. PAFFREL believes that having elections in the east, although flawed, can be an important step towards empowering the people in the province to democratically determine their future. The post election period provides yet another opportunity to the government and the newly established Eastern Provincial Council to demonstrate their commitment to the democratic process and to promoting good governance and ethnic harmony in the region.

Sgd/ Kingsley Rodrigo

Chairman

Issued on 10th May 2008 at 8.50 p.m.