

CENTRE FOR MONITORING ELECTION VIOLENCE

Final Report

PRESIDENTIAL ELECTION 1999

PART ONE

Introduction and Outline

The Final Report on the Presidential Election 1999 comprises six parts. The first provides an outline of the nature and scope of the task undertaken, and describes the methodology adopted. The second is a summary and analysis of violence during the election campaign, covering the period November 13, 1999 to December 20, 1999. The third part is an account of islandwide violence during election day, December 21, 1999, and an analysis of how this affected the result of the poll. Included in this section is a sampling of Major Incidents that took place in the electorates on this day. Part Four is a short section on post-election violence, which is not meant to be exhaustive or systematic, but rather a simple pointer to another disturbing re-emergent trend in Sri Lankan politics. The fifth part of this report contains the recommendations of CMEV for future elections. Part Six takes the form of an appendix, which contains the detailed results of the 1999 Presidential Election.

Issues concerning Methodology

CMEV has monitored elections held in Sri Lanka since 1997, including the Local Government Elections of 1997, the Local Government Election in the Jaffna Peninsula in 1998, the North-West Provincial Council election in January 1999, the Western, Central, North Central, Uva, and Sabaragamuwa Provincial Council Elections in April 1999, and the Southern Provincial Council election in June 1999. In each of these, CMEV's methodology has remained virtually the same: utilizing field monitors at electoral division level, coordinators at district level, observers on election day at individual polling centres, with a secretariat in Colombo with access to police complaints, political party offices, organisations and individuals. CMEV accepts written and verbal complaints (which must be subsequently written-up) which are verified at the field level before inclusion in the cumulative totals. Complaints are followed up with the police and other relevant authorities, and every effort is made to cross-check all Major Incidents with the accused individuals to obtain their side of the story.

In response to constructive criticism on CMEV's previous reports, which suggest that a simple numerical tally of violations may be misleading since there is no discrimination between trivial incidents and serious ones, this Report has classified all complaints into Major and Minor Incidents in conjunction with Police nomenclature. Thus, Major Incidents comprise Murder, Attempted Murder, Grievous Hurt, Hurt, Assault, Threat & Intimidation, Robbery, and Arson. The Minor Incidents are categorised as Mischief, Threat, Damage to Property, Election Offences, and Others. In this way, the analysis of violations can focus on both quantum and degree of violence. Whilst CMEV has categorized the incidents into Major and Minor offences, we wish to emphasize that the cumulative impact of Minor offences in a particular area could have a bearing on the exercise of the franchise in that area.

Although these incidents fall into identifiable acts of election related offences, the consequences of them with regard to the exercise of the franchise, can only be determined from the impact they have on the public in general and the victims of violence in particular.

Different methodologies and monitoring strategies are used by the various organisations involved in election-monitoring the world over. In Sri Lanka MFFE/PAFFREL (Movement for Free and Fair Elections & People's Action for Free and Fair Elections) is the oldest election-monitoring organisation in the country. CMEV and MFFE/PAFFREL have worked in a spirit of close cooperation in the past, and there is mutual acknowledgement that the methodologies and techniques adopted by the two organisations differ fundamentally, though the ultimate goals remain the same. However, in order to clear any misunderstandings that may arise as a result of the comparison of the findings of CMEV with MFFE/PAFFREL, the differences between the work of the two organisations need to be spelt out here.

It is our understanding that MFFE/PAFFREL has broader objectives than CMEV, that it provides a platform for public participation in its monitoring, and that it works with local level organisations with whom it has built up a relationship over the years. Its ethos is, therefore, voluntarism and the creation of active public consciousness on the issues surrounding the electoral process. CMEV, is involved in the concrete task of monitoring specific election violations, and to this end has trained a team of professionals as well as a cadre of regional representatives. These and other differences in perspective and approach could naturally lead to a difference in the final analysis of a particular election.

To provide a concrete example of this plurality and diversity of views which both CMEV and MFFE/PAFFREL actively encourage and foster,

let us examine the report produced by MFFE/PAFFREL on the 1999 Presidential Election from CMEV's perspective.

In its Report published on Dec 23, 1999 in *The Island* MFFE/PAFFREL provides the following statistics on election day monitoring:

1) No. of Polling Stations Visited on Election Day	1764
2) No. of Reports Received from Monitors	1573
3) No. of Mobile Teams	230
4) No. of International Monitors	27
5) No. of Observers on Election Day	7299
6) No. of Clergy assisting Observer Teams	750

Further, as regards complaints received by PAFFREL/MFFE headquarters, the following summary is instructive:

7) Complaints received relating to polling stations (from political parties and general public)	350
8) Selected for further investigation	247
9) Number verified by field observers	49

In summary, the report alleges that malpractices were observed in particular in six districts: Gampaha, Kandy, Kurunegala, Matale, Anuradhapura and Nuwara Eliya. The electorates most affected were

Hanguranketa, Pahata [sic] Dumbara, Uda Dumbara, Wattegama [sic], Gampola, Chilaw, Katana, Kelaniya, Anuradhapura West, Anuradhapura East, Mawatagama, Wariyapola, Borella, Ratnapura, Mahiyangana, Ja Ela, Negombo, Divulapitiya, Dambulla, Minuwangoda, Mahara, Kolonnawa, Kekirawa and Kalawewa.

It should be noted here that Puttalam District which includes Chilaw cited above, Badulla District which includes Mahiyangana, Ratnapura District which includes Ratnapura electorate, and Colombo District which includes Kolonnawa and Borella, have been omitted from the district list. Wattegama is in the Patha Dumbara electorate. Gampaha District accounts for 07 electorates on this list, Kurunegala for 02, Anuradhapura for 04, Kandy for 03, Nuwara Eliya for 01, and Matale for 01.

Conclusions to be drawn from the above data:

The following figures are based on complete overlap of observers and mobile teams. If this is not the case, the number of observers/monitors per polling station will increase. In addition, the number of polling stations visited by each mobile team is the maximum, computed on the basis that all polling stations on MFFE/PAFFREL’s list have been visited by the mobile teams.

Average No. of Observers per Polling Station Observed
 $04 + [7299 \text{ divided by } 1764]$
 (This may not include International Monitors, Clergy, Mobile Teams etc. etc.)

Average No. of Polling Stations Visited by Each Mobile Team
 $07 + [1764 \text{ divided by } 230]$

It is clear, therefore, that MFFE/PAFFREL sends as many as four times more monitors per polling centre than CMEV does, and that MFFE/PAFFREL’s mobile teams spend roughly four times more time at the polling centres they visit, despite the fact that these centres have over four monitors on the spot. Perhaps as a result of this difference in methodology, CMEV has been able to monitor over 3 times the number of polling centres utilizing three-fourths the number of observers on election day.

In contrast, CMEV statistics are as follows:

No. of Polling Centres (Stations) Visited by Monitors	5750
No. of CMEV Monitors in Polling Centres throughout day	3811
No. of Mobile Teams	(4 per team) 169

PART TWO

Election Campaign

The cumulative total of incidents reported to CMEV during the Presidential Election Campaign up to December 20, 1999 is 1483 [Tables I to IV provide the data used in this section. Figure I is a graphic representation of the violations]. In the 38 days for which record have been maintained – November 13, 1999 to December 20, 1999 – this reflects an average of just over 39 incidents per day. However, the last weeks of the campaign experienced an increase in the number of incidents reported. The first week accounting for 210 incidents, the second for 215, the next seven days 324, and the last week 734 incidents, indicating that there was a significant escalation of

the violence as the campaign entered its last phase. In fact, the first three weeks of campaigning accounted for 749 incidents, while the final week alone accounted for 734 incidents [Figure XII]. This reflects a steep increase of Major Incidents in the last phase of the campaign, which is consistent with CMEV's observation that the lead-up to the election was disturbingly violent. For instance, on December 10, 1999, Major Incidents accounted for only 44.4% of the total. This qualitative worsening of the profile of violence during this last phase is borne out by the fact that the number of murders has more than doubled in one week, even if the Ja Ela and Town Hall bombs are not taken into account.

A significant feature of the violence of this campaign was the relatively high quotient of Major or serious incidents, defined in conjunction with police classifications as those falling under the categories of Murder, Attempted Murder, Assault, Arson, Grievous Hurt, Hurt, Threat & Intimidation, and Robbery. Major Incidents accounted for 712 (48%) of the total, while Minor Incidents accounted for 771 (52%) [Figures I, II, III, IV & V]. Acts of Grievous Hurt have increased more than three-fold from 11 to 27; the UNP must bear greater responsibility, allegedly being held accountable for 13 incidents, the PA for 12 and persons of unknown affiliation for 02. Reports of Hurt have more than doubled during the last week from 79 to 145, the PA standing accused in 75 cases and the UNP in 45. Cases of Arson have more than doubled from 11 to 25, with the PA allegedly being responsible for 13, the UNP for 02 and persons of unknown political affiliation for 10 [Figures X(a), X(b), XI(a) & XI(b)].

Of the 1483 incidents recorded thus far, 227 involve the alleged use of firearms, which is 15.3 % of the total. This represents a substantial increase from the 10.8% recorded on December 10, 1999, and is higher than any available figures for recent elections in Sri Lanka. In effect,

one in every seven incidents during this campaign involves the use of firearms, which in a significant number of cases are automatic weapons such as T 56 rifles and not homemade guns. This in turn indicates that the perpetrators may have access either to military resources and/or to weapons provided both officially and unofficially for the "protection" of parliamentarians. The high degree of violence during the Presidential election campaign, both qualitatively and quantitatively, cannot therefore be dismissed as the work of fringe or extreme elements within the major parties, or as the mischief of rabble-rousers and lumpens who are out of control. [Figures XVI (a) & (b), refer to the use of firearms]

As indicated in the CMEV daily report of December 17, 1999, in the absence of even the token disclaimers and exhortations to eschew such open and destructive confrontation – disclaimers were made even at the Provincial Council elections concluded just over six months ago – it would appear that this increasing level of violence is countenanced by the leadership of these parties and that it serves an important function in the overall political strategy at this election. Or, at the very least, the apparent unwillingness of political leaders to curtail violence at the outset gives rise to a situation where the violence escalates to the point at which it can no longer be controlled.

Profile of Alleged Violations

The 709 allegations against the PA comprise 08 Murders, 07 Attempted Murders, 75 acts of Hurt and 12 of Grievous Hurt, 165 reports of Assault, 84 cases of Threat & Intimidation, 15 Robberies, 13 incidents of Arson, accounting together for 379 Major Incidents, and 106 acts of Mischief, 147 Threats, 35 instances of Damage to Property, 31 Election Offences and 11 acts classified as Other, bringing the tally of Minor Incidents to 330 [Figures VI & VII]. Though the overview of violations as a whole indicate a slightly higher percentage of minor offences, in

the PA profile allegations of Major Incidents are 53.5%, indicating a more violent breakdown of incidents. Notable also is the PA's alleged share of **all** Major Incidents which is 53.2%, while its alleged contribution to Minor Incidents is 42.8%.

The PA has allegedly committed more than twice as many major offences as its nearest rival the UNP. Of the most serious categories of serious offences, including Murder, Attempted Murder and Grievous Hurt, the PA is being held accountable for 32% of all incidents recorded, and for 67.5% of incidents in which the alleged perpetrator has been identified by political party. In fact, of all Major Incidents reported in which the alleged perpetrator has been identified by party affiliation, the PA supporters are the alleged perpetrators in 68.9% of the 550 incidents recorded.

The 396 allegations against the UNP comprise 45 acts of Hurt and 13 of Grievous Hurt, 83 Assaults, 23 reports of Threat & Intimidation, 02 Robberies and 02 acts of Arson, comprising 168 Major Incidents, and 400 cases of Mischief, 98 Threats, 03 reports of Damage to Property, 12 Election Offences and 02 incidents classified as Other taken together to form 155 Minor Incidents. The UNP's share of Major Incidents is 23.6%, and of Minor Incidents 29.6%. Of all cases where the party affiliation of the alleged attacker has been identified, the UNP is held responsible for 30.6% of Major Incidents and 40.1% of Minor Incidents.

The JVP, the only other party against whom there are allegations of violence, is being held accountable for only 10 incidents – 01 report of Hurt, 01 Assault, 04 acts of Mischief and 06 acts of Threat.

Persons of unknown political affiliation have allegedly committed 365 offences, 162 of a serious nature and 203 which are considered

relatively minor. Most serious of these are the two attacks at the UNP rally at Ja Ela and the PA Town Hall rally on December 18, 1999, where 13 and 25 persons died respectively and 77 and 37 were injured. The bomb attack at the Town Hall was an assassination attempt against the life of the President by a LTTE suicide bomber and the attack on the meeting in Ja Ela killed UNP politician General Lucky Algama

With the exception of the North-East and, to some extent, the Southern Province, violations in the other areas accelerated in the past ten days. Geographically, alleged PA violence was most felt in the Western (133 incidents), Central (106), North Western (135), North Central (87), Uva and Sabaragamuwa (88 each) Provinces. In the Western, Central, North Central, Southern and Sabaragamuwa Provinces, allegations against the PA are more than double those against the UNP, and in the case of Central, North Central, Sabaragamuwa, and Uva, they account for 50% or more of the total. In the Western Province and the North Western Province the UNP too has allegedly committed a large number of violations – 64 and 93 respectively – making these provinces the most violent in the campaign. It is significant that in these provinces allegations against unidentified persons are at their highest at 121 and 62.

In terms of individual districts, Kurunegala (97) has recorded the highest number of complaints against the PA, followed by Anuradhapura (66) and Kegalle (63), Gampaha (53), Badulla (52), Kandy (50) and Colombo (48).

The UNP has allegedly been most violent in the Kurunegala District (72) in the North Western Province and in Badulla District (37) in the Uva Province. More complaints have been received against the UNP than the PA only in the Wannai District (04 as opposed to 02 complaints) and the Batticaloa District (03 as opposed to 02). In every

other instance, the PA is the alleged perpetrator in the preponderance of incidents.

The geographical spread of incidents indicates that the Western Province has been the most violent area both in terms of the number of incidents reported as well as the level of seriousness, of these incidents [Figure XIII (a)]. The Western Province has recorded 320 incidents, of which 178 (55.6%) were Major and 142 (44.4%) were Minor. This is the only province in which Major offences outnumber Minor ones, demonstrating that it is qualitatively more violent than elsewhere. The tragic bombings at Town Hall and Ja Ela on December 18th contributed to this scenario, but they were by no means the sole cause.

The North Western Province recorded the second highest number of incidents 292, but it was more heavily weighted towards Minor infringements (153 or 52.8%). This was followed by Central Province (197), Uva (177), Sabaragamuwa (162) and North Central (161). The North East and Southern Provinces recorded only 80 and 84 incidents respectively, which was a welcome decline in violence.

In terms of individual districts, [Figure XIII (b)] however, Kurunegala (213) was significantly worse than Colombo (146), Gampaha (113), Kegalle (110), Anuradhapura (110) and Badulla (103), its nearest rivals.