

# CENTRE FOR MONITORING ELECTION VIOLENCE

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## **CMEV statement on Batticaloa local government election**

The Centre for Monitoring Election Violence (CMEV) has been observing the process of holding elections to 9 local government bodies in the Batticaloa District with growing concern since the first announcement of these elections by the Elections Commissioner in December 2007. Nominations for these elections were received by the Elections Commissioner between January 18 and 25. At the close of nominations on January 25, 831 candidates had come forward to contest the 101 local council seats.

Elections will be held on March 10 for the Batticaloa Municipal Council, and the Pradesheeya Sabhas of Eravurpattu, Koralaipattu, Koralaipattu north, Eruvilpattu, Manmunaipattu west, Manmunai southwest, Porativupattu, and Manmunai south. According to Assistant Commissioner of Elections, T. Krishnananthalingam, a total of 270,041 voters are eligible to vote in 285 polling stations at these elections.

While this is not the first election in Sri Lanka to be held in a tense environment and in the background of an on-going conflict, CMEV nevertheless felt that the fact that the District is yet recovering from the military operations in the area since mid-2006 should have been taken into consideration when determining the dates of the election. In addition, the continuing trend of paramilitary activity, reports of abduction, extra-judicial execution, intimidation and extortion attributed to 'unidentified armed men' and the inability of the law enforcement agencies to pursue investigations in these cases have all created an environment of fear and insecurity in the District.

In the first weeks of January, CMEV noted that several political parties eligible to contest these elections forwarded their concerns regarding the security situation to the Elections Commissioner. However, as the Commissioner clarified, once the elections have been gazetted by the Minister concerned, he has no authority to call them off. The Commissioner said he would make necessary security arrangement for candidates and for voters in collaboration with the Police. A fundamental rights petition calling on the Supreme Court to issue an Interim injunction preventing the holding of the elections was filed by the Tamil National Alliance (TNA) which has two Members of Parliament for the Batticaloa District. The Court found that it did not have the authority to issue such an injunction, but the Chief Justice is reported to have told the petitioners that they could bring information to the Court regarding the law and order situation in Batticaloa District that could have an impact

on the outcome of the elections, in which event the Court would be prepared to consider such applications.

In the meanwhile, in January, there were several reports of violence in the Eravur Police Division, affecting both Muslim and Tamil candidates from that area.

On January 12, an armed mob damaged a vehicle belonging to M.L.A.M Hizbullah, member of the Executive Committee of the Sri Lanka Muslim Congress (SLMC) when he had gone to meet party representatives regarding preparations for the elections.

In the early hours of January 25, unidentified persons hurled a hand grenade at the Ottamavadi residence of Mr. K.M. Adam Bawa, a local business man; on the previous day, another grenade had been thrown at the house of another Muslim businessman and SLMC supporter, A.L.M. Ismail, near the Hyrath mosque.

On the evening of January 27, unidentified armed men attacked and injured the United People's Freedom Alliance (UPFA) contestant, Mohamed Halitheen, in Saddam Hussein village in the Eravur Police division. The candidate had been returning from a campaign meeting in Hidayath Nagar in Eravur.

On January 25, Sankarathas Sivananthadas (54), a candidate from the United People's Freedom Alliance (UPFA) was abducted from his house by unidentified armed men in a white van. He was later released in the Myilampaveli area in the Eravur Police Division; he had been severely beaten.

In the early hours of January 30, unidentified persons lobbed two hand grenades into the house of SLMC candidate Mohamed Ayathullah in Valaichchenai.

In response to these incidents, and to demands from some candidates for enhanced protection, on January 28 the Govt. Agent Batticaloa, Mr. Arumainayagam, called a meeting of elections officials, Police and candidates and announced the decision to allocate two Policemen for each candidate as a security detail, on request. As at the 13<sup>th</sup> February, the Police Department says they have received 18 complaints of election-related violence in total, of which the majority are minor incidents. However, CMEV's independent observations have indicated that the levels of intimidation and fear in the areas where the elections are to take place are so high that many reports of coercive behavior by some contesting parties go unreported.

In view of the above circumstances, CMEV will not monitor the forthcoming local government elections in Batticaloa District in the same manner as it has in the past, due to our conviction that the situation on the ground is not conducive to the conduct of a free and fair election, and out of respect for our local partners, many of whom have informed us that they do not consider this election to be an opportunity afforded to the people of Batticaloa to express an independent political opinion.

However, as an indication of our continued commitment to ensure accurate reporting of the election process, as far as possible, CMEV will support several independent mobile

observation initiatives in selected areas of the Batticaloa District in the week prior to the election as well as on election day, March 10, and a few days thereafter.

CMEV expresses its regret that the people of Batticaloa, who have suffered greatly during the military offensive of 2006/2007 are being deprived of their right to engage in political activity freely.

A handwritten signature in black ink, appearing to read 'Sunanda Deshapriya', written over a horizontal line.

Sunanda Deshapriya  
Co-Convenor