

CENTRE FOR MONITORING ELECTION VIOLENCE

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Western Provincial Council Election-2009

Media Communique-05

24th April 2009 Colombo Sri Lanka CMEV is deeply concerned by the escalating violence and intimidation that is threatening to mar the forthcoming polls to the Western Provincial Council on 25th April 2009.

Violence Profile

Election related violence has escalated in the lead up to the Western Provincial Council elections. As of 23rd April CMEV has confirmed 130 incidents of election related violence including 60 major incidents. Incidents involving the use of fire arms have risen to 11 and 12 incidents of arson attacks have been confirmed by CMEV.

The two major political parties, the UPFA and UNP, are accused of perpetrating more than 58% (35 incidents) out of a total of 60 major incidents. In 23 major incidents perpetrators have not been identified. The JVP has been accused in 2 other major incidents.

The competition for preferential votes within the two major parties, the UPFA & UNP, has further intensified in the last stage of the campaign. Out of the 38 complaints received from the UPFA, 10 complaints have been made by party members. CMEV has received 11 complaints from the UNP, 4 of which are against party members.

Key Issues

Allegations of intimidation in the Colombo Central Polling Division

CMEV's field monitors report that a tense situation has arisen in the Colombo Central Polling Division which has seriously impacted campaigning, and could result in a low voter turn out.

Allegedly supporters of Ajmal Mawjood, a UPFA candidate (candidate no 01) have threatened and intimidated the other political parties & independent groups to refrain from campaigning in the division. It is also alleged that underworld gangs are involved in the intimidation.

A supporter of the DUA who did not wish to be named stated that his party was allowed to run only one office in the area after negotiating with Ajmal Mawjood. He further went on to say supporters of

the minor parties have been threatened and intimidated from campaigning in the area. He alleged that police has failed to take any actions in this regard.

Further, a few party offices of candidate Mawjood were set up on the pavement, causing a lot of inconvenience to the public due to the activities of the mobs gathered near such party offices. The CMEV team observed that such party offices were established in Prince Gate, Colombo 12 and St. Sebastian Mawatha, Colombo 12

A CMEV fact -finding mission also learnt that the supporters of other parties are reluctant to complain to the police as they have received threats by phone. In some cases the individuals have been threatened with death if they complain to the police.

CMEV appeals to the Election Commissioner and the IGP to directly intervene to arrest the situation before it seriously impacts on the integrity of the poll. We reiterate the point that we have made in all elections and call on all political parties to fulfill their responsibility to ensure violence and malpractice free election.

Problems related to voters' right

CMEV would like to highlight critical issues which could result in voters casting multiple ballots or voters being denied the right to vote. These issues have been highlighted in a letter forwarded to the Election Commissioner on 21st April 2009

Multiple Registrations of Electors: A substantial number of electors within the Western Province who have more than one address have been registered more than once, resulting in the issuance of multiple polling cards to these electors. The Election Commissioner stated at the press conference held on 22nd April that such voters have been already identified and SPOs have been informed of the issue

As a remedy to address the issue, the Election Commissioner has decided to implement section 41 of the Provincial Council Act, No 02 of 1988 which requires such voters to make a declaration to the Senior Presiding Officer (SPO). The Election Commissioner stated at the discussion held with political party representatives and independent monitors on April 21st that measures have been taken to communicate these instructions to the SPOs. If a dual registered voter tries to vote in two places, legal measures will be taken against him - such voters can be prosecuted according to section 66 of the mentioned act.

While CMEV acknowledges the remedies taken by the Election Commissioner we are nonetheless concerned that this measure may not be uniformly implemented by all SPOs. CMEV also recognizes that in certain complicated circumstances the added procedures might result in the unintended denial of their fundamental right to vote.

Discrepancies in Personal Information in Polling Cards: CMEV monitors have reported several cases in which there are critical deficiencies in the personal identification information provided in polling cards received by voters. These include incorrect National Identity Card numbers and incorrect family names, (with regards to the latter there have been differences in the manner in which the surnames of those in the same family have been represented). CMEV believes this could cause

undue complications including delays, confusion, mistakes and arbitrary application of the law, resulting in the denial of the right to vote in at least some cases.

Substantial Numbers of Electors without Polling Cards: CMEV has received reports of a number of households which have not yet received their polling cards. This is a problem which has also affected previous elections. CMEV monitors also understand that in some polling divisions within the Colombo district, large numbers of polling cards remain undelivered in post offices. In Kotahena Post Office CMEV was informed that there on April 21st there were 13,000 undelivered ballot cards.

Lack of Awareness on identification documents: CMEV observed in previous provincial council elections, considerable numbers of voters could not exercise their right to vote because of the problems related to proper identification. In the last, Central and North western provincial council elections held on 14th February 2009 CMEV recorded 65 voter related incidents out of total 175 incidents on the Election Day. According to the CMEV report 1468 voters could not exercise their right to vote due to the lack of proper identification.

CMEV reiterates its view that the public must be enlightened on the procedures agreed upon with regard to Voter Identity and the required documentation. CMEV urged the Election Commissioner to re-issue via print and electronic media the Special Notice of 17th February 2009 regarding the acceptable identification documentation in the letter sent to Election Commissioner on 21st April.

Inactiveness of Police and the Need for the Election Commissioner to Act

CMEV notes with grave concern the ineffectiveness of police. In a number of incidents of violence the police has failed to take proper actions. Some of the incidents include

The murder of Nandana Kusum Balage in Attanagalla on April 6th. The Attanagalla Magistrate ordered the police on 17th April to arrest the suspects and produce them in court. When CMEV contacted the Veyangoda Police Station today to find out the progress, Election OIC, SI M. Senaratne, stated that no one has been arrested so far.

Rohitha Abeygunawardena, Minister of Nation Building was directly accused of being involved in an assault on P.K.D. Ranjith Thilaksiri, a UNP candidate in Kalutara district (candidate no 13). When CMEV contacted the Payagala Police Station on 23rd April to ascertain the action taken, Election O.I.C. SI Ganganada stated that they had received the complaint and investigations are still on-going but no one has been arrested

CMEV has received complaints from political parties that police has failed to take action against the issues raised by them which led to further intensification of violence.

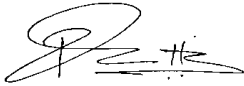
CMEV also urges the Election Commissioner to exercise the full gamut of powers at his disposal and as laid out in the 1999 judgement of Justice Mark Fernando in Karunathilaka & Another vs Dayananda Dissanayake, Commissioner of Elections and in the provisions of the Seventeenth Amendment to safeguard the integrity of the electoral process.

Concerns

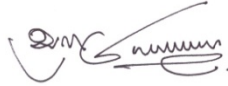
CMEV calls upon the Election Commissioner and the Police to put in place whatever special security measures are required in order to ensure a violence free campaign and election. CEMV's past experiences with multiple elections confirms that the areas of violence on Election Day tend to coincide with the areas which experienced election related violence during the campaign.

In this context, we reiterate the argument consistently advanced by CMEV regarding the urgency and pivotal importance of the full implementation of the Seventeenth Amendment. CMEV believes that the establishment of independent commissions for the Police, Public Service and Elections provided for by the Amendment, is absolutely necessary for protecting the integrity of the electoral process.

CMEV was formed in 1997 by the Centre for Policy Alternatives (CPA), the Free Media Movement (FMM) and the Coalition against Political Violence as an independent and nonpartisan organisation to monitor the incidence of election related violence. Currently, CMEV is made up of CPA, FMM and INFORM Human Rights Documentation Centre.



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