

CENTRE FOR MONITORING ELECTION VIOLENCE

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Southern Provincial Council Election – 2009

Interim Report

October 08, 2009

Background

The Southern Provincial Council election campaign commenced with the dissolution of the Council on 3rd August 2009 by gazette notification No. 1613/1. Nominations were submitted during the period 21st to 28th of August 2009 as per the provisions of the gazette notification No. 1613 / 39.

CMEV deployed twenty (20) election monitors throughout the campaign period- 4 in Hambantota, 7 in Matara and 9 in the Galle district. On Election Day, monitoring will be carried out by 10 mobile teams comprising of special observers. Three hundred and twenty (320) Monitors will also be stationed in selected sensitive polling stations and CMEV representatives will be present at the coordinating centre for election related violence in the Election Commissioners office in Colombo.

There are 1091 candidates representing 52 political parties and independent groups in the Southern Provincial Council election. The total number of members in the Southern Provincial Council is 55.

A CMEV team visited all three districts of the province from 17th to 19th September 2009. Party offices of the UPFA, UNP and JVP were visited and discussions were had with the available political team leaders and coordinating officers of each district. Further discussions were held with Additional Commissioners of Elections, Senior Superintendents of Police and other officers as well as civil society activists involved in ensuring the implementation of election laws and regulations.

Profile of Violence

CMEV has recorded a cumulative total of 95 incidents since its commenced monitoring. Of the total of 95 incidents, the number of Major incidents have gone up to 26 while 69 incidents have been categorized as Minor. The highest number of Major incidents have been reported from the Galle district - 14 out of 26. The total number of incidents reported to CMEV from the Galle district is 45.

Five (05) cases of threat and intimidation, 01 incident of assault, 01 case of arson and an abduction have been reported from Hiniduma in the Galle district making it the Polling

Division with the highest number of Major incidents - eight (08). Two Major incidents each were reported from the Galle and Habaraduwa polling divisions while one major incident each, have been reported from Akmmemana and Baddegama Polling Divisions. A total of 31 Minor incidents including 11 confirmed cases of violations of election laws were reported from the Galle district.

Out of the total number of 20 incidents reported from Matara district, nine (09) cases have been categorized as Major while 11 have been categorized as Minor. Four (04) Major incidents have been recorded from the Kamburupitiya Polling Division while two (02) major cases each, were recorded from the Deniyaya and Weligama Polling Divisions.

CMEV has recorded a total of 30 incidents from the Hambantota district out of which 03 have been categorized as Major and 27 as Minor. A case of grievous hurt was reported from Tissamaharama, an arson attack occurred in Beliatta and an assault was reported from Tangalle. The total number of incidents of Mischief reported from all three districts is 49.

There are fifty- two (52) incidents reported against the UPFA, three (03) incidents reported against UNP and two (2) cases against the JVP. There are two (2) incidents in which the Police were identified as the perpetrator and thirty- one (31) cases where the party affiliation of the perpetrator has not been identified. Out of 55 complaints reported by the JVP, 28 incidents were against the UPFA. In another 26 incidents the party affiliation of the perpetrators have not been identified. The UPFA had made 17 complaints out of which 12 are against party members and in 4 complaints the perpetrators were not named. The UNP has made 8 complaints, out of which 2 are against the UPFA and in 6 incidents the party affiliation of the attackers has not been identified.

Observations

The significance of the Southern Provincial Council Election is underscored by the province being the principal constituency of the President and the last in a series of provincial elections before the next Presidential and General Elections. In this respect the Southern Provincial Council election will set the context for the impending national elections.

CMEV notes that in the course of the election campaign there was a marked abuse of state resources by the ruling alliance for electioneering purposes and that the Police did not fulfill its responsibilities in respect of ensuring adherence to the election laws despite the constant statements by the Election Commissioner, acting under the powers vested in him - section 126 of the Provincial Council Act No 02 of 1988 - to the IGP to this effect. The situation improved after the order of the President to IGP regarding the removal of illegal cut-outs on 28th September 2009.

Whilst inter-party violence was relatively low when compared with intra-party violence in the early phase of the campaign, both types of violence intensified as the campaign drew to a conclusion. In the latter part of the campaign, the level of inter and intra party

violence intensified particularly in polling divisions such as Hiniduma, Galle and Habaraduwa in the Galle district, Kamburupitiya, Weligama and Deniyaya in the Matara district and Tangalle and Tissamaharama in the district of Hambantota.

CMEV also received a report of a decision by some electors to boycott the election on account of their disappointment with politicians over unfulfilled promises. Such action, if taken on polling day, will send a clear message to politicians and at the same time have potentially disturbing repercussions for representative democracy in the country if it were to be replicated elsewhere and become a trend.

CMEV expresses its serious concern over the intensification of election related violence in all three districts of the Southern province. The statement made by the Election Commissioner at his press conference of October 7th, 2009 at which he took a strong stand on implementing the election law during the next three days and his reiteration of the key responsibility of the Police in this regard, is highly appreciated by CMEV.

CMEV reiterates its call to all political parties to ensure that the election in the Southern Province takes place with no further abuse of public property, recourse to violence and violations of election laws and in an atmosphere that enables all voters of the province to exercise their franchise freely and fairly. CMEV urges the authorities to ensure that all actions are taken so that there will be no effective disenfranchisement of voters and abuse of public resources.

In conclusion, CMEV wishes to underscore yet again, the 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, will go a long way in protecting the integrity of the electoral process.

Throughout the campaign CMEV received the support and cooperation of the Elections Commissioner, his officials and the Police. While acknowledging the work of the Commissioner of Elections and the Police in respect of ensuring the proper implementation of election laws, and law and order in the Southern Province, CMEV notes that the challenge of conducting a truly free and fair election throughout Sri Lanka nevertheless remains.

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 organization 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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