

# CENTRE FOR MONITORING ELECTION VIOLENCE

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## Presidential Election - 2010

### Media Communiqué No. 01

*02<sup>nd</sup> January, 2009 Colombo Sri Lanka* CMEV is deeply concerned by the escalation of violence and the violation of election laws.

#### Profile of Violence

Since the gazette notification for the Presidential Election issued on 23<sup>rd</sup> November 2009 up to 01<sup>st</sup> January 2010, CMEV has recorded a confirmed cumulative total of 103 incidents of election related violence. According to CMEV reports, 44 incidents have been categorized as Major out of which 16 incidents are of Assault, 13 are of Threat and Intimidation, 8 of Grievous Hurt, 5 incidents of Hurt and 2 cases of the Misuse of State Resources. The total number of incidents involving the use of firearms is 16. In addition, 59 incidents have been categorized as Minor.

Out of 44 Major incidents, 29 incidents have been reported against the ruling UPFA - this being the highest number reported against any one party. Of the total figure of 103 incidents, the UNP had been accused as the perpetrator in 5 incidents and the JVP in 3.

Incidents of violence are increasingly being reported from the North Western, North Central and Southern provinces. Sixty (60) incidents out of a total of 103 incidents have been reported from these three provinces.

CMEV reiterates its concerns regarding the violations of election laws mainly by the ruling alliance, with illegal posters and cut-outs in public places in all of the main towns and cities and inside the premises of Government Offices. We urge the Election Commissioner to direct the Police as well as heads of government offices to act on his directives and ensure the proper implementation of election laws without any bias. In this context, we underscore the key responsibility of the Police to take immediate and strong action against political parties that violate election laws.

CMEV notes that the Election Commissioner has not yet taken steps appoint a Competent Authority as provided for in the Seventeenth Amendment in respect of certain named state media institutions. The Commissioner has identified an individual

to monitor media bias but has not appointed anyone as a Competent Authority vested with the powers that appointment entails. CMEV strongly urges the Election Commissioner to immediately appoint a Competent Authority.

CMEV draws particular attention to the powers vested in the Election Commissioner by the Seventeenth Amendment to the Constitution and in judgements of the Supreme Court. We are of the firm belief that the fullest use of these powers is the best available means for the protection of the integrity of the electoral process and urges the Commissioner to act accordingly. The public enumeration of these powers alone is no substitute for the effective exercise and implementation of them in this election in which issues of constitutionality, respect for the Rule of Law and democratic governance are being especially highlighted as being under challenge. In this context we welcome the action taken by the Commissioner in halting the transfer of Superintendent of Police J.R. Jayawardane to Killinochchi from Ampara, a course of action strongly urged by CMEV in communication with the Commissioner.

CMEV notes with concern the upward trend in election related violence and calls upon all concerned especially the Election Commissioner and his officials, the Police and political parties to take all necessary steps to deter such violence and to deal with those who are responsible for it. We call on all presidential candidates to reiterate their commitment to eradicate political violence and malpractice in word and in deed. CMEV's experience 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.

*Given below is a sampling of incidents of violence recorded by CMEV as of 2<sup>nd</sup> January 2010.*

## **North Central Province**

### **Polonnaruwa District**

#### **Grievous Hurt to a JVP Supporter in Polonnaruwa Electorate**

K.M. Abeysekara and Newton, two JVP supporters were attacked with wooden batons by Thilakarathne, Ruwan and the youngest son of Addin who are alleged to be UPFA supporters. This incident had taken place at around 3.00 am on 1<sup>st</sup> January 2010 at Ambanganga Dakunu Ela, Polonnaruwa. Newton informed CMEV that Abeysekara had been attacked by UPFA supporters whilst engaged with him in preparatory work for a party office of the National Democratic Front (NDF) at Dakunu Ela. As a result, Abesekara sustained injuries to his forehead and was admitted to the Polonnaruwa Hospital for treatment.

The CMEV monitor has visited the hospital and confirms that such an incident took place and that the victim is under treatment in Ward No. 7 (Bed No. 10). A police complaint has been lodged under EIB 48/02 at the Polonnaruwa Police Station.

When contacted, Dhammika, the Secretary of UPFA district office in Polonnaruwa informed CMEV that they were not aware of any such incident. He said that they would look into this incident in order to ascertain as to whether there was any involvement of UPFA supporters as alleged.

#### **Attack on a UNP party office in Polonnaruwa Electorate**

NP Premathilaka of the UNP, informed CMEV that UPFA supporters had attacked the party office of presidential candidate Sarath Fonseka on 30<sup>th</sup> December 2009 at around 1.30 am. The Secretary of UPFA Polonnaruwa district office, Dhammika informed CMEV that they were not aware of any such incident.

#### **Attack on a UNP party office in Polonnaruwa Electorate**

December 30, 2009, a UNP party office in Polonnaruwa was allegedly attacked by UPFA supporters. K Jayarathna Ranasinghe, an administrative officer of the said party office informed the CMEV that the damage caused by this attack amounts to LKR 100,000.00. Jayarathna had lodged a complaint with the Polonnaruwa Police under EIB 36/35. When contacted, the Police informed CMEV that no suspects had been arrested in this regard and that further investigations were underway.

#### **JVP supporter assaulted in Padiyatalawa, Digamadulla Electorate**

H.M. Suraweera, a JVP supporter, was allegedly assaulted by a group of UPFA supporters led by the Chairman of Padiyatalawa Pradeshiya Sabha (PS), H.M. Lalantha Sumith Seniveratne at around 8.30pm on 28<sup>th</sup> December. A complaint, (CIB II 96/125) had been lodged with Padiyatalawa Police by B.M. Gunatilake, another JVP supporter.

The victim Mr. Suraweera informed CMEV that Mr. Lalantha and his supporters had assaulted him and that he had sustained injuries to his right ear.

CMEV contacted Mr. Lalantha who admitted to such an incident but rejected the allegations against his supporters. He further informed CMEV that he was arrested by the Padiyatalawa Police around 10.30 pm on the same day and released on bail by the Mahiyangana Magistrate Court.

Police confirmed the incident and noted that investigations and court proceedings were underway.

#### **Assault on JVP supporters in Polonnaruwa Electorate**

A group of 4 JVP supporters were attacked by S. Jagath Samarawickrama, the Chairman of Dimbulagala Pradeshiya Sabha on 14<sup>th</sup> December 2009 at Siripura. S.K. Subasinghe, JVP MP informed CMEV that Anil Piyarathna, Rathnayake, Premarathna and Karunarathne had been assaulted with wooden batons and a T 56 weapon, and that the victims had been hospitalized for treatment. A complaint -EIB 122/08- had been lodged by Premarathna at the Aralaganwila Police Station. CMEV contacted the Aralaganwila

Police at around 2.38 pm on 23<sup>rd</sup> December 2009 but no information was available from the said police station regarding the assault.

## **Anuradhapura District**

### **Attack on a JVP party office in Anuradhapura**

A JVP party office was attacked at around 8.30 pm on 29<sup>th</sup> November 2009 in Kadadolaha, Anuradhapura. A compliant - - has been lodged with the Anuradhapura Police by, Anura Dissanayake, JVP Provincial Council Member of the North Central Province on 30<sup>th</sup> November 2009.

CMEV contacted Anura Dissanayake and he informed CMEV that the office premises have been damaged. Anuradhapura Police informed CMEV that the perpetrators of the incident have not been identified and that they have reported the facts of the incident under the no B 3271/2009 to the Magistrate Court of Anuradhapura.

### **Assault on UNP supporter in Minneriya Electorate**

H.T.D.J. Sudam Jayaweera, a UNP supporter was attacked by a group of UPFA supporters at around 3.00 am on 17<sup>th</sup> December 2009. CMEV contacted Sudam Jayaweera and he informed CMEV that UPFA Pradeshiya Sabha member, Meeruppu and his supporters had assaulted him and that he had received medical treatment for his injuries.

A police complaint had been lodged by Sudam in this regard under EIB 1/11 with the Minneriya Police on 17<sup>th</sup> December 2009. When contacted by CMEV, Abesinghe (PC) of Minneriya Police informed that the suspects in this incident had been arrested and produced before the Magistrate Court of Hinguragoda and later released on bail. Police investigations are underway.

CMEV contacted Meeruppu and he categorically denied the allegations.

## **North Western Province**

### **Kurunegala District**

### **Hurt to UPFA supporter in Panduwasnuwara Electorate**

J.M. Gamini Dayarathne, a UPFA supporter was attacked, allegedly by UNP MP, Dayasiri Jayasekara and a group of UNP supporters on 26<sup>th</sup> December 2009 in Hettipola. Gamini Dayarathna sustained minor injuries and was admitted to the district hospital of Hettipola for treatment. Gamini Dayarathne had lodged a complaint under MCR 02/09 with the Hettipola Police.

UNP MP Dayasiri Jayasekara informed CMEV that the complainant, Gamini Dayarathne disturbed an election meeting. UNP MP Dayasiri Jayasekara informed

CMEV that he had lodged a counter complaint(PCR 113/09) in this regard at the same police station stating that Gamini Dayarathne had caused damage worth LKR 9,750/=.

When contacted, OIC W.M.J.S. Bandara (IP) informed CMEV that UNP MP Dayasiri Jayasekara appeared before the court through his lawyers and was granted bail. He further noted that the police investigations were underway.

### **Grievous Hurt to UPFA Supporters in Polgahawela Electorate**

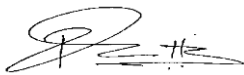
Tikiri Bandara Adhikari, a UPFA provincial council member was grievously hurt at around 1.00 am on 13<sup>th</sup> December 2009 allegedly by JVP Pradeshiya Sabha members - Ariyawardana Thilakarathna, Ajith and their supporters.

Tikiri Bandara has lodged a complaint (EIB 05/13) with Polgahawela Police Station and noted that he had been admitted to Kurunegala Teaching Hospital for treatment.

JVP MP Bimal Rathnayaka informed CMEV that Ariyawardana Thilakarathna had been threatened by Tikiri Bandara pointing a pistol at his head and therefore that the supporters of the JVP acted in self defense.

The Centre for Monitoring Election Violence (CMEV) has commenced monitoring the forthcoming Presidential Elections, 2010. Eighty (80) Field Monitors have already been deployed in areas identified as critical in nature. CMEV will field another 110 Field Monitors in the 1<sup>st</sup> Week of January and will also deploy 4,100 Stationary Observers and 50 Mobile Teams on Election Day. CMEV also intends to deploy 50 international observers in the last 10days of the campaigning period and on Election Day.

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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