



CENTRE FOR MONITORING ELECTION VIOLENCE

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The need for an independent and prompt investigation into allegations against Gotabaya Rajapaksa being registered to vote and allegedly voting at the 2005 Presidential Election while not a citizen of Sri Lanka

August 20th 2019, Colombo, Sri Lanka: The Centre for Monitoring Election Violence (CMEV) attention has been drawn to the complaint made regarding former Defense Secretary Nandasena Gotabaya Rajapaksa. According to the complaint made by a deputy editor of a Sinhala daily news paper to the Elections Commission of Sri Lanka, Mr. Rajapaksa's name had been included in the annual electoral list used for the 2005 Presidential Election and he had allegedly cast his vote in the said election, at a time when he was not a Sri Lankan citizen. This allegation becomes even more problematic as he is to contest the forthcoming Presidential election as the candidate representing the Sri Lanka Podujana Peramuna (SLPP).

In terms of Article 89(a) of the Sri Lankan Constitution, a person who is not a Sri Lankan citizen is not entitled to vote at a Presidential Election, General Election or at a referendum. Voting in such a situation is an offense and is punishable in terms of the Presidential Elections Act No. 15 of 1981.

According to media reports, Mr. Rajapaksa obtained his US citizenship in 2003. He arrived in Sri Lanka on the 04th of September 2005 on a tourist visa and had campaigned / assisted the election campaign of Mr. Mahinda Rajapaksa in 2005. This, it is alleged is an offense in terms of section 45(1) (a) of the Immigrants and Emigrants Act no 20 of 1948.

These allegations if proven, would constitute a serious violation of the Constitution and the laws of Sri Lanka and are indicative of acts that compromise the very basis of the electoral process. Thus it is incumbent on Mr. Rajapaksa who aspires to be the eighth executive President of Sri Lanka, to refute these allegations and co-operate fully with all investigations. Anything less would bring into question Mr. Rajapaksa's commitment to Sri Lanka's sovereignty, its Constitution and the rule of law. Furthermore, Mr. Rajapaksa's silence in the face of these allegations and the allegation that he has failed to renounce his dual citizenship, is extremely problematic. As a potential candidate for the highest elected office in Sri Lanka, it is incumbent upon him to demonstrate a greater commitment to the electoral process.

The enumeration process is a constitutionally mandated responsibility for the Elections Commission. The Commission is expected to maintain accuracy in the process, at all times. Ensuring that only eligible electors and verified information is contained in the electoral list is essential to ensure free and fair elections. Allegations, such as those mentioned above, cast serious doubt on the reliability of the enumeration process and compromise the integrity of the electoral process.

Accordingly, it is incumbent upon the Election Commission to conduct a prompt and impartial investigation into these allegations. CMEV is of the view that the swift and impartial interventions by the Elections Commission and other relevant authorities into allegations of malpractice in the electoral process is essential for maintaining the good faith and confidence of the voters in the electoral process.