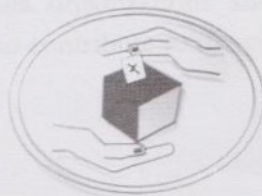


FINAL REPORT

ON THE ELECTIONS FOR THE NORTH-CENTRAL AND SABARAGAMUWA PROVINCIAL COUNCILS

23rd August 2008



People's Action for Free and Fair Elections (PAFFREL)

Sri Lanka

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FORWARD

We are pleased to release the final report of the North-Central and Sabaragamuwa Provincial Council Elections held on 23rd August 2008.

The final report is a synthesis of reports of PAFFREL observers, both stationary and mobile, deployed throughout the two provinces on Election Day. The report is based on observations of the conditions that prevailed during the pre-election period, the day of the poll and the post election period.

We extend our thanks to the Commissioner of Elections, Mr. Dayananda Dissanayake for accreditation of PAFFREL as the election monitoring body and the courtesy and co-operation extended by the Elections Department. We would also like to thank the Additional Commissioner of the Secretariat, Mr. W.P. Sumanasiri and the Assistant Commissioners in the four districts who assisted PAFFREL observers whenever necessary.

PAFFREL thanks in a special manner the four District Secretaries of Anuradhapura, Polonnaruwa, Kegalle, Ratnapura and all the divisional secretaries who performed a difficult task in trying circumstances.

We wish to thank the former Inspector General of Police, Mr. Jayantha Wickramaratne. Our special thanks go to the Senior Deputy Inspector General of Police Mr. Gamini Navaratne, Senior Deputy Inspector General of Police Jayantha Gamage and the DIGs of the two provinces. We also thank the SSPs and other officers of the police of the two provinces who supported PAFFREL observers and provided security for the election.

We extend thanks to the Royal Norwegian Embassy in Colombo who responded to our request for resources at short notice.

We take this opportunity to thank all individuals who assisted us in numerous ways and various means. We are also deeply grateful to our local partner organization -Sarvodaya Shramadana Movement- whose unstinted co-operation made the exercise possible. PAFFREL deeply appreciates the sacrifices of its volunteers who engaged in the task of monitoring this election either as stationary or mobile observers. These persons risked their lives, spent valuable time and it was their commitment which made this effort possible.

Finally, we wish to thank the media organizations and political parties who recognized and supported the efforts of PAFFREL to contribute to the vision of free and fair elections.

Kingsley Rodrigo
Chairman – PAFFREL
8th December 2008

CONTENTS

1. Executive Summary	01
2. Introduction	02
3. Electoral Process	03
4. Monitoring Methodology	04
5. Pre-election Period	06
6. Role of Media	10
7. Postal Voting	11
8. All Party Operation Unit	11
9. Election Day	14
10. Post Election Period	15
11. Role of the Commissioner of Elections	16
12. Role of the Police	17
13. Conclusion and Recommendations	18
ANNEX I Election Results	20
ANNEX II Contested Political Parties	26
ANNEX III Network Organizations	27
ANNEX IV Provincial Maps	28
ANNEX V Accounts	30

1. EXECUTIVE SUMMARY

The elections to the Provincial Councils of Sabaragamuwa and North Central Province were called on 9 June 2008, well in advance of their due dates. This was a demonstration of executive authority over provincial councils and the use of elections, to a sub national assembly to further the political agenda of the ruling party. Nominations were called for the two provincial councils after they were dissolved by their respective Governors who are appointed by the President. There did not appear to be adequate discussion within the councils about the need to seek fresh political mandates due to matters arising from the conduct of the councils. Neither did there appear to be serious issues faced by the councils that could not be resolved by them.

The background to holding the elections, the reported cases of violence, intimidation, use of state property constrains PAFFREL from endorsing the two elections as fully free and fair. However, PAFFREL is glad to state that the election day and polling were relatively free of violence and free of serious malpractices.

Leading up the election, violence had been escalating and some commentators expected that the election day will be marred by violence, this, fortunately, did not occur.

PAFFREL notes its continuing concern regarding the non implementation of the 17th amendment to the constitution of Sri Lanka to establish an independent elections commission, and its effect on the organization and holding of elections.

PAFFREL sought clarification from the Supreme Court regarding the need for voters to prove their identity and the Court directed the Commissioner of Elections to establish the arrangements that had been started for the provincial elections in 2006. The need for an officially valid identification card presented problems to a small but never the less important group of voters. More work has to be done to inform all the voters, the media and the election officers regarding the need and value of voter identification.

The two provincial council elections were hotly contested. As expected, the ruling UPFA brought its considerable party machinery to bear on the two elections including the numerous ministers who tended to utilize some of the state resources for election related work. In particular, the combination of government activity and electioneering granted an unfair advantage to the ruling coalition and its candidates. This has been an on-going issue in election campaigns and no ruling party has made genuine efforts to restrict the illegal use of state property for partisan political advantage while they are in office.

As the election campaigns heated up, the reported cases of malpractices, intimidation and violence also increased. As in the past, PAFFREL met with all political parties contesting the two provincial councils and discussed the observation that would be undertaken and the special concerns regarding the conditions needed for free and fair elections. PAFFREL also maintained close and regular contact with the Commissioner of Elections, the provincial representatives of the Department of Elections, the District Secretaries, the office of the Inspector General of Police and senior officers in the provinces.

Two days before the election PAFFREL proposed and the contesting parties, the Commissioner of elections and the police agreed and an All Party Operations Unit was established at the office of the Elections Commissioner to field and respond to information about serious incidents on election day.

A majority of the incidents reported to PAFFREL were related to violence, intimidation, and damage to property. There is no readily available basis with which to compare the election

related incidents and determine how different they are from other elections in the same area or in similar areas. When government politicians, ministers and their followers including "enforcers" flock to an area it polarizes action from political opponents, possibly leading to an escalation in intimidation and violence. Political leadership at national and local levels, civic and community leaders, law enforcement, all must be vigilant and take steps to reduce tensions. PAFFREL reminds itself, and draws strength from the fact that it came into being to enable citizens and communities to safeguard their electoral rights and their right to free and fair elections.

PAFFREL made changes to its election observation based on resources, by fielding one stationary observer per polling booth, departing from its customary practice of two per polling booth. Soon after nominations were called, PAFFREL opened 27 offices in the four electoral districts of the two provinces. These offices undertook the functions of signing up volunteers using partner organizations, arranging and conducting training for observers, gathering information about malpractices, forwarding them to PAFFREL command center and responding to complaints with direction from PAFFREL.

PAFFREL, as in the past, requested and obtained accreditation from the Commissioner of Elections to observe the elections and to be recognized as an entity entitled to be present within the polling booths. Furthermore, the Commissioner granted PAFFREL the additional capacity to record statements of malpractice and fills a special form with the SPO at a polling booth, to be used to determine if the vote count should be annulled following serious malpractice.

Public officers conducted themselves with dignity and responsibility to a large measure. There were unfortunate exceptions where some officers exceeded their authority or did not exercise their authority to defuse a troubling situation. In a few instances the Police force seemed unable to use its authority and quickly establish law and order.

2. INTRODUCTION

The government's announcement of elections to the North-Central and Sabaragamuwa Provinces was totally unexpected. The two provincial councils were scheduled to be dissolved in August 2009 on completion of the five-year term. Unexpectedly the councils were dissolved with effect from 12.00 midnight on the 09th June 2008. The last election to the provinces was held on 24th April, 2004.

PAFFREL's stand on this matter was that provincial council elections should be held once the 17th amendment was in place and all provincial councils be dissolved simultaneously and elections held simultaneously. The organisation expressed its objections to dissolving selected provincial councils.

When Provincial Councils were established under the Thirteenth Amendment to the Sri Lanka Constitution, the expectation was that will open new avenues to minorities to participate in governance and strengthen local government institutions. The dissolution of provincial councils through executive authority sends an undesirable message to minority groups seeking to better manage their political affairs.

PAFFREL held formal discussions with the leadership of the various political parties including the main opposition the UNP, with a view to understanding what each party expected from the election observers (monitors²), the problems they faced and their preparations to meet these problems. It was also an exercise to make known to the different parties the manner in which their co-operation with PAFFREL could contribute towards ensuring basic standards could be met during the conduct of the election.

The two provinces in which the election was to be conducted are completely dissimilar to each other. The North Central Province is mainly inhabited by Sinhalese, is one of the largest provinces in the country, borders the war zone and has experienced terrorist attacks on its citizens as a result of the ongoing armed conflict.

Sabaragamuwa on the other hand has a multi ethnic community with a large estate Tamil population, brings in a significant amount of foreign exchange to the country and is rich in mineral resources.

The voters in these two provinces represent about 10% of the national voting population. The following table provides demographic statistics of the provinces.

Table I – Statistical of contest

Province/District	Electorates	Voters	Polling Station	Members to be elected	Contesting Political parties	Candidates
Sabaragamuwa	17	1,318 826	1014	42	13	1008
Rathnapura	8	713, 205	541	24	12	567
Kegalle	9	605, 621	473	18	11	441
North - central	10	846, 454	758	31	22	690
Anuradhapura	7	569, 398	527	21	12	456
Polonnaruwa	3	277, 056	231	10	10	234

As indicated in the above Table, the total number of persons eligible to vote at the in the two provincial council elections was 2,165,280. This was about 10% of the total number of voters in Sri Lanka.

3. ELECTORAL PROCESS

The Provincial Councils in the North-central and Sabaragamuwa provinces were dissolved on 9th June 2008. Nominations for the election commenced on 27th June and closed at noon on 4th of July, 2008. The Commissioner of Elections announced elections would be held on 23rd of August 2008. Calling of applications for postal voting commenced on 24th June and continued up to 10th of July, 2008. The dates for the postal voting were set for the 7th and 8th August, 2008.

Postal voting ballot papers were distributed to the respective polling centers on 28th of July.

The election campaign officially got underway from the date of nomination and ended at midnight on the 21st August, 2008. Subsequently, from 7.00 a.m. to 4.00 p.m. on 23rd of August, the people of these two provinces cast their votes to elect the new members to the respective provincial councils. Polling was conducted in 1,014 polling stations in the two provinces.

4. MONITORING METHODOLOGY

Soon after nominations were called, PAFFREL established district offices in the 2 districts. One office was established in each district except Ratnapura where two district offices were set up for administrative convenience.

One week after nominations were called PAFFREL opened 27 divisional offices as follows:

Polonnaruwa District : 3 Divisional Offices

Anuradhapura District : 7 Divisional Offices

Kegalle District : 9 Divisional Offices

Ratnapura District : 8 Divisional Offices

The main tasks of these offices were to receive and inquire into complaints related to election malpractice, violence and to co-ordinate the observer training sessions

Several changes in election monitoring methodology were introduced during the course of this election.

From its inception PAFFREL had deployed two observers per polling station. By the mid 90s PAFFREL was able to deploy two observers to each polling station covering all electoral divisions in the country. Having two observers per polling station is an advantage in different ways. However, due to the financial constraints as well as a lack of space to accommodate the two observers inside the polling stations as mentioned by the Commissioner of Elections, PAFFREL changed its practice to a single observer per polling station. As in the past, PAFFREL received the official accreditation as election observers, thus enabling the organisation to have a stationary observer inside each polling station.

The Elections Commissioner introduced a special form to be filled by the stationary observers at each polling station. Two forms were to be provided to each of the stationary observer. One of the forms was to be filled by the observers and handed over to the SPO, while the other was to be handed over to PAFFREL.

The purpose of this form was to provide more opportunities for election observers to provide information on malpractices taking place inside the polling station.

This step was a result of PAFFREL's continuous lobby for increased official recognition for election observers and their observations during polling. With the introduction of the form, the Commissioner of elections would consider not only the SPOs report but that of the respective stationary observers' report (form), when deciding on annulments of the results of particular polling stations.

This arrangement was welcomed by PAFFREL as it signified that the Election Commissioner recognized the value and impartiality of PAFFREL observers and was therefore placing trust in and responsibility with them.

In view of this development PAFFREL included a special training for observers on the way the form had to be filled.

Another change from earlier practices was that the observers' training sessions were organized in the respective electoral division itself, instead of at the district center.

The change was made to avoid the inconvenience of observers having to travel long distances to attend the training programme.

Additionally observers were asked to select the most convenient polling stations. Polling stations were assigned at the training programme itself.

This procedure made it easier for the coordinators, as observers were assigned to polling stations on the day of training. Coordinators were thus able to identify the polling stations which had not been allocated observers and allocate observers immediately.

Moreover materials for the observers, such as cap, arm band, monitoring forms, authorized letters were distributed observers on the training session itself, after they signed the pledge and allocated to a polling station.

Changes were also made to the manner that the mobile monitoring teams would report their observations. Mobile teams send a summary of their report to the PAFFREL main monitoring centre soon after polls closed via fax.

Arrangements were also made for the nearest mobile team to pick up PAFFREL's copy of the stationary observers report at polls end; a copy of this too was to be faxed to the main monitoring centre.

The changes were made to help the main monitoring centre receive the mobile team's and observer's report in as fast as possible after polling ended.

PAFFREL planned to employ 2,660 observers for the two elections. Comprehensive training sessions were held at electoral level, as on previous occasions, on subjects covering election laws, issues pertaining to elections, ethics, experience of previous elections, and methodology of elections in the four districts of Anuradhapura, Polonnaruwa, Ratnapura and Kegalle. Plans were made to deploy 60 mobile observation vehicles on the election day, with special attention paid to areas more susceptible to election violence, based on field reports and observations during the pre-election period.

5. PRE-ELECTION PERIOD

The pre-election period was marked by a large number of complaints regarding election related violence.

PAFFREL carefully monitored the situation during this time. Daily updates of pre-election incidents of violence were maintained and reported on PAFFREL's website. Incidents of election related violence reported to PAFFREL came from diverse sources including political parties, PAFFREL's monitoring offices at district and divisional offices and media reports.

However only those cases verified by independent sources have been taken into consideration. The incidents of pre-election violence was one of the highest recorded during recent elections. However no incidents of election related killings were reported.

There were 191 incidents of violence reported to PAFFREL of which 124 were from the North-Central province and 67 were from the Sabaragamuwa province. While many of the complaints could be categorized as minor violations, there were several serious cases including an attack on the chief ministerial candidate for Sabaragamuwa of the main opposition party the UNP and burning down of the house and vehicles of the chief organizer of the UNP at Anuradhapura.

The pre-election period was filled with tension despite many of the incidents not being of a serious nature.

The Anuradhapura district had the highest level of violence reported from the four electoral districts. Initially members of the UNP and JVP were the victims in most cases. However, during the final week leading up the election attacks against the UPFA supporters were noted. A conclusion drawn from these incidents was that the opposition led by the U.N.P. responded in kind to violent attacks by government supporters.

Graph I in page 10 shows the trend of increased election violence which occurred at district level.

The responsibility for taking steps to prevent election-related violence, bring culprits to book and calm down explosive situations rests with the police. Our observation was that police action was inadequate in most cases.

This was borne out at a police press conference where it was admitted, that police had in fact not acted quickly enough to nip such situations in the bud.

In an effort to prevent violence from spilling over to election day, PAFFREL called off and got agreement for an All-Party Operations Unit to function on the 22nd and 23rd August at the Election Secretariat. All major political parties participated.

During the lead up to the election, PAFFREL criticized the timing of these elections as they followed the premature dissolution of the two provincial councils whose terms should have run until August 2009, regretted that the campaign revolved around national issues rather than on provincial ones.

Table II – Pre-election period incidents

Incidents - Pre-election Period	
(From 4th July to 23rd August 2008)	
	<i>No. of Incidents</i>
North Central	
Anuradhapura	77
Polonnaruwa	47
Sabaragamuwa	
Rathnapura	40
Kegalle	27
TOTAL	191
Incident Category	
Attempted Murders	1
Assaults	51
Threats and Intimidations	25
Damages to properties	24
Damages to Party offices	33
Obstructions for campaigns	13
Misuse of Government Properties	23
Abuse of State Power	6
Illegal Campaigns	8
Others	7
TOTAL	191

Intimidation dominated the whole pre-election period and 51 of cases were reported including an attack on the UNP chief ministerial candidate for the Sabaragamuwa province, Mr. Ranjan Ramanayake.

It was noted that politicians from areas outside of the provinces were involved in these incidents. Government ministers, their relations and MPs of opposition were involved in several cases of intimidation.

The police apprehended a Colombo Municipal Council member from an opposition political party with bicycle chains and poles while he was heading to Sabaragamuwa.

The second largest number of incidents reported was related to damage to party offices. However, most of these cases could be regarded as minor incidents since most of the party offices were temporary shelters built for election campaign period.

The misuse of power and government property for election campaigns was also observed. There were 29 such cases reported during the period. PAFFREL noted that the central government did not take active measures to prevent such acts. Vehicles belonging to government institutions were widely used for the election campaigns both by the candidates as well as by ministers and MPs who were involved in election campaigning.

Noted below are a few pre-election incidents that help better understand the situation in the two provinces during the pre-election period.

- The burning of a house in the Anuradhapura town area belonging to UNP district organizer in Anuradhapura. The incident took place on 20th August, the last date of official campaigning.

It was reported that UPFA supporters damaged the house of Dr. Johnpulle, the UNP district organizer and burned it down completely. The incident occurred in the presence of dozens of policemen.

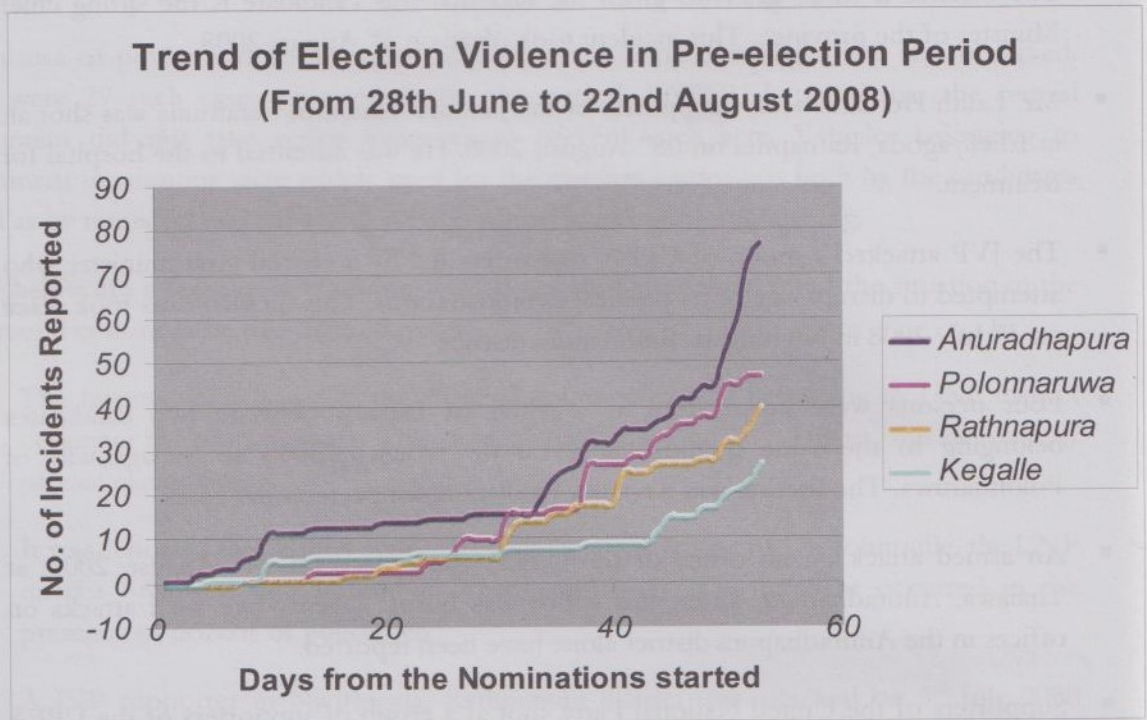
- A JVP supporter in Nivithigala, Rathnapura district was attacked on 3rd July 2008 reportedly by a group of supporters working for a government minister. The victim, Mr. Anura Rajapakse, received treatment at a hospital.
- On the 27th of July a government minister representing the Gampaha district, while campaigning in Polonnaruwa, led a mob of supporters into the JVP party office at Karmica Pedasa, Nuwaragala in the Polonnaruwa district. The minister reportedly fired into the air as well as at motor cycles parked at the party office. He then chased away the JVP supporters who were in the office.
- A clash between the supporters of UNP and UPFA was reported from Mangalagama in the Kegalle district. The clash occurred at around 11.00 a.m. on the 7th August. 6 persons were injured in the incident. An incident of shooting was also reported during clash.
- Several incidents of shooting were reported from the Anuradhapura district. A supporter of the UNP Chief Ministerial candidate Mr. Nuwan Sampath sustained injuries and was admitted to the Anuradhapura hospital after he was attacked near the town market at around 2.00 a.m. on 9th August. He was traveling from the candidate's office to his house in a vehicle bearing reg. plate no 57-9757 when a group of people in two vehicles intercepted him and opened fired.

- A vehicle belonging to UNP candidate, Mr. Sunil Dissanayake, was damaged when it came under attack on 17th August night at Maradankadawala, Anuradhapura.
- A minister leading a mob fired in the air and damaged a boutique belonging to a supporter of the Janatha Vimukthi Peramuna at the Aralaganvilla in Polonnaruwa on 27th July 2008.
- The Chief Ministerial candidate of the UPFA was charged with shooting and damaging a political party office at Thambuttegama in the Anuradhapura District. The offence is more grievous given the fact that this candidate is the sitting chief Minister of the province. This incident took place on 3rd August 2008.
- Mr. Lalith Hettiarachchi, a supporter of the Janatha Vimukthi Peramuna was shot at, at Eheliyagoda, Ratnapura on 08th August, 2008. He was admitted to the hospital for treatment.
- The JVP attacked a group of UPFA supporters led by a central govt. minister who attempted to disrupt one of its political demonstrations. This incident was took place on 3rd July 2008 in Nivithigala, Rathnapura district.
- Four persons were hospitalized as a result of friction between two candidates belonging to the same political party on 07th August, 2008 at Aralaganwila of Polonnaruwa. The friction was a result of a dispute for preferential votes.
- An armed attack on an office of the U.N.P. took place on 04th August, 2008, at Thalawa, Anuradhapura. Later, this office was burnt. Twenty-five such attacks on offices in the Anuradhapura district alone have been reported.
- Supporters of the United National Party shot at a group of supporters of the UPFA at the Karandupotha area of Kegalle 20th August 2008.
- A convoy traveling with Mr. Ranjan Ramanayake, the Chief Ministerial candidate for the UNP, Sabaragamuwa Province, was attacked on 13th August in Wewelwatta in the Rathnapura district at about 9.00 p.m. UNP MP Dinesh Gankanda who was campaigning for Mr. Ramanayake received minor injuries. The inefficiency of police was again revealed when the police officer assigned to provide security to Mr. Ramanayake fled when the attack took place. Subsequently 7 police officers who were assigned to provide security to the candidate were suspended from service.
- Police reports stated the vehicle in which the former minister of health of the north-central Provincial Council was travelling in was shot at by a group of supporters of the UNP, at the Kekirawa bus halt.
- An unidentified group shot at and attacked the house of a UNP candidate of the Anuradhapura District located at Kumbichchankulam on 20th August 2008. Five other houses in the vicinity were also damaged during the incident.
- The JVP election offices at Nochchiyagama, Vilachchiya Junction, Thambutthegama and 8th Mile Post, Saliyapura in the Anuradhapura district were

destroyed on the night of 20th August, the attacks were allegedly carried out by supporters of the United National Party.

- A brother of the Minister of Mahaweli Development, who was seriously injured during a clash between the supporters of the UNP and the UPFA at Bandiwewa in Polonnaruwa at around 10.30 pm. on 20th August, was admitted to the General Hospital, Colombo.

Graph I – Trend of Pre-election violence



6. ROLE OF THE MEDIA

PAFFREL did not conduct a media monitoring effort during this election, hence it is unable to comment on the behavior of specific media institutions. However it noted instructions issued by the Commissioner of elections were breached especially by the electronic media. This has been a trend in past elections and the trend continued this time around.

The state-controlled media completely backed the governing party, while sections of the private media were more partial toward the opposition.

7. POSTAL VOTE

Postal voting for this election was to be held on 7th & 8th August 2008 in both provinces. The Election Commissioner had been received no. of applications for postal voting of which 51,057 were eligible.. PAFFREL deployed 148 observers to monitor the postal voting at randomly selected voting centers covering all four districts. It was confirmed that eligible postal voters voted i.e. more than the 80% eligible postal voters.

Two incidents of irregularity were observed during postal voting. It was reported that contrary to the Commissioner of Elections directive, postal voting at the Department of Agriculture and Agrarian Services, Arangala in the Polonnaruwa district voting commenced on the 6th August 2008.

Investigations revealed that the Certifying officer at this particular centre had changed the date for voting on his own as he had made arrangements to travel abroad.

The act of this officer and the fact the Elections commissioner accepted the arbitrary flouting of his authority is a sad reflection on the system. It appears state officers are permitted to break rules and regulations to suit their personal convenience. It also signifies a drop in levels of responsibility among state officers in executive grades

To overcome difficulties of persons who use the postal vote the commissioner of elections granted two extra days for postal voting i.e., August 14 – 15, for those who could not cast their votes on previous two days.

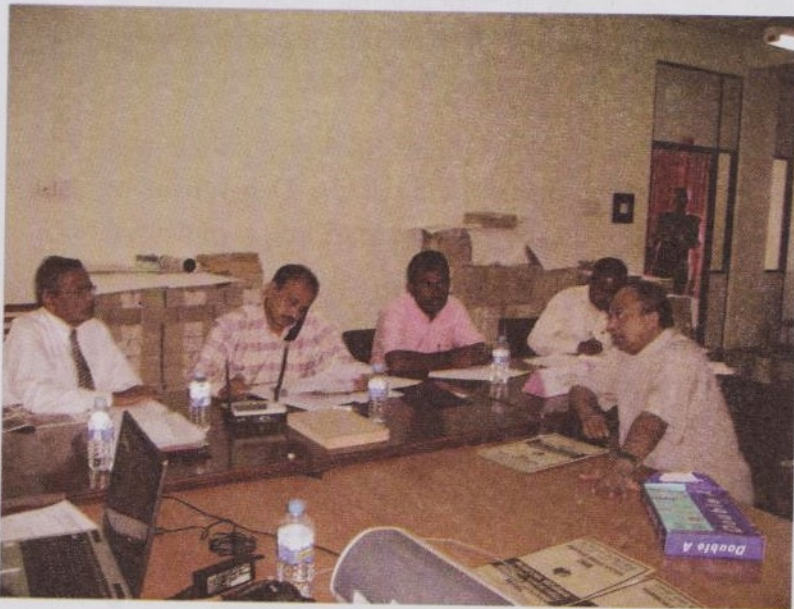
Postal voting was free of violence.

8. THE 'ALL PARTY OPERATIONS UNIT'

During the last few days of the pre-election period, particularly from 19th to 21st August 2008, saw an unprecedented increase in election violence. In an effort to prevent this escalation of election violence from spilling into election day, PAFFREL called a meeting with the Inspector General of Police and the Commissioner of Election on 21st August 2008 and proposed the establishment of an all party operation unit comprising all parties contesting the election. With the help of the Election Secretariat, PAFFREL made arrangements to open an all-party operations unit (APOU) on 22nd August. PAFFREL then proceeded to call a meeting of all contesting political parties. The APOU consisted of four groups, namely political party representatives, Officials of the Elections Secretariat, Officers of Police Department and PAFFREL.

The main political parties welcomed the initiative and responded positively. The UNP, the JVP and the UFPA sent high profile representatives. The police department which was responsible for maintaining law and order was represented by officer of the rank of OICs, ASP and SSPs. The Commissioner of Elections of the Elections Department, who had a right to directly intervene was represented by several officers of senior rank, while PAFFREL played the role of facilitator.

Complaints received were shared among the groups and parties concerned were expected to take action to resolve them immediately. In this manner a system was set up to nip-in-the-bud as far as was possible acts of violence.



Representatives from three major political parties of UPFA, UNP and JVP sat together at the APOU.

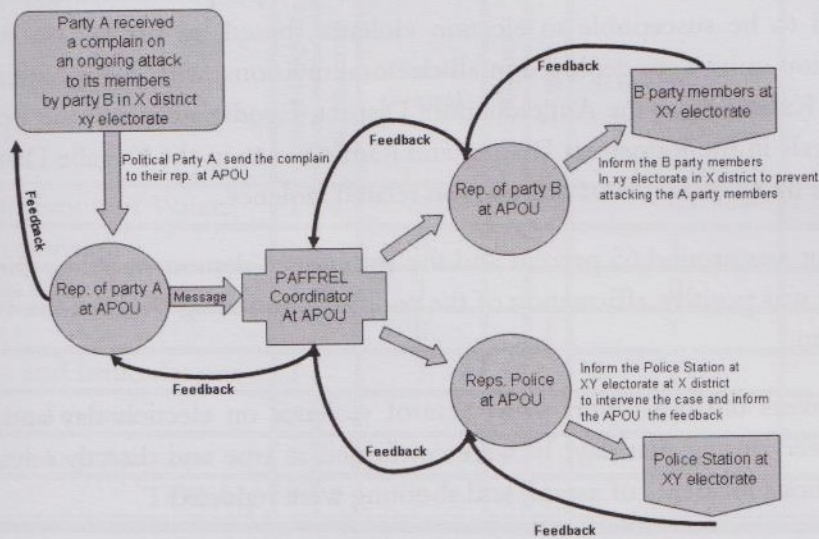
High rank officials leading by SSP Rathnaweera from the Department of Police with the APOU to ensure effectiveness of police in election areas.



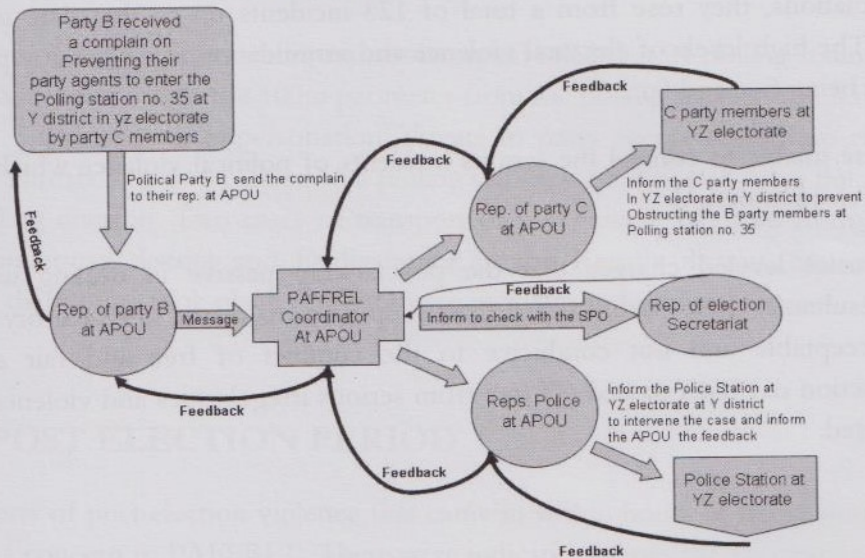
PAFFREL Chairman and the Commissioner of Elections at the APOU

Graph II – Functional models of APOU

Operations at the APOU: Example 1



Operations at the APOU: Example 2



The APOU operated from 2.00 p.m. on 22nd August to 9.00 p.m. on 23rd August 2008 and processed 73 complaints. 60% of complaints made to the APOU were found to be exaggerated. Solutions were found for most of the cases.

The effectiveness of the APOU was proved by the fact that election day itself passed free of violence.

9. ELECTION DAY

Elections to the Provincial Councils for the Sabaragamuwa and North Central Provinces took place on Saturday, August 23rd 2008. PAFFREL deployed 1,702 observers for the election including 63 mobile observer teams on election day. Special attention was paid to areas considered to be susceptible to election violence, based on pre-election observation. Mobile observation units were deployed in all electoral divisions, with special attention given to areas such as Kalawewa in the Anuradhapura District, Egodapattuwa in the Polonnaruwa District, Nivithigala in the Ratnapura District and Rambukkana in the Kegalle District. These districts had seen many incidents of pre-election related violence.

The voter turnout was around 65 percent and the enthusiasm demonstrated by the electorate to cast their vote was positive affirmation of the people's continuing belief in the value of the democratic system.

PAFFREL observers did not report many acts of violence on election day and of the 73 complaints received during that day, 10 were confirmed as true and directly relevant to the election. Two serious incidents of assault and shooting were reported.

The events during the time of voting on election day were in contrast to the period of the election campaign in which the intensity of the contest between the rival political parties took on the character of a mini war. In the final three days there was a startling rise in the reported number of violations, they rose from a total of 128 incidents up to that date to 191 by election day. The high levels of electoral violence and intimidation ruled out any possibility of the election being free and fair.

The police were unable to control the serious incidents of political violence which erupted during the pre-election period.

Opposition parties leveled charges that the police were passive in dealing with their complaints. Resultantly these parties urged their supporters to resort to retaliatory violence which is unacceptable and not conducive to the conduct of free and fair elections. Fortunately election day itself passed off free from serious irregularities and violence barring the cases reported.

Table III – Election day violence

ELECTION DAY INCIDENTS (Reported and confirmed from 7.00 a.m to 4.00 p.m.)							
Nature of Incident	Anuradhapura	Polonnaruwa	North Central	Rathnapura	Kegalle	Sabaragamuwa	TOTAL
Transportation of Voters	1	1	2			0	2
Illegal campaigns			0	1		1	1
Assaults with Shooting	1		1			0	1
Assaults			0		1	1	1
Threats and Intimidations	1		1	1		1	2
Attempted assaults			0	1		1	1
Damages to properties	1		1	1		1	2
TOTAL	4	1	5	4	1	5	10

PAFFREL stationary observers found the situation inside the polling stations peaceful and without major irregularities.

Tabulation of reports from stationary observers revealed that 21 polling stations had inactive campaign/posters within the 100m perimeter from the polling station. The Rathnapura district reported 3 incidents of impersonation, threats to party agents and group entry to polling stations. Threats to police officers in a polling station were reported from the Anuradhapura-west polling division. Two cases of transport of voters were reported from Medirigiriya in the Polonnaruwa district and Dedigamuwa in the Kegalle district. Stationary observers reported that voting took place without major incidents in both provinces.

10. POST ELECTION PERIOD

The reports of post-election violence that came in within hours of the closure of polls were of serious concern to PAFFREL. There were indications from the statements made by some candidates and MPs, before the election day, that the post election violence could be expected.

There were six confirmed cases reported to PAFFREL during the post election period and victims included a JVP Member of Parliament.

Opposition parties expressed fear of post-election violence in context with senior members of the governing party threatening their restraint would end once polling closed.

Three incidents of post election violence were reported from Polonnaruwa, two from Anuradhapura and one from Kegalle.

A few of the more serious cases reported are tabulated below:

- Two JVP members including Mr. Subasinghe, MP, were injured when they were attacked by UPFA supporters soon after the polls closed. A brother of a government minister and a local government member belonging to the UPFA attacked these JVP members and damaged a vehicle belong to the JVP MP. The victims were admitted to the Polonnaruwa hospital. Mr. Subasinghe was subsequently transferred to the Colombo General Hospital.
- A UNP candidate's vehicle was attacked by UPFA supporters on election day less than half an hour of polls being closed (around 5.00 p.m.). The incident took place near Bendiwewa School, Polonnaruwa.
- Houses belong to two UNP supporters were attacked, causing damage estimated at over Rs. 500,000/-. The incident took place in Wehera Godalla, Kalawewa electoral division in Anuradhapura.

11. THE ROLE OF THE ELECTION COMMISSIONER

The role of the Commissioner of Elections is a difficult one. He is supposed to head an independent Election commission in a situation where the 17th Amendment to the Constitution is a dead letter. It is within these limits the Commissioner of Elections has to perform his duties.

Despite these constraints, the department, headed by the Commissioner took steps to conduct elections to the best of his ability.

Some of the steps the Commissioner proposed taking regarding the cancellation of polls in polling stations where irregularities and election frauds take place are examples of his continuing campaign to ensure a violence and malpractice free election.

Under the prevailing system, the Commissioner of Elections, on the recommendation of a Senior Presiding Officer (SPO), may annul the results of a particular polling booth. However, over the past years despite strong evidence that serious malpractice had taken place at specific locations, these events were not reflected in the reports of the SPOs there, and the possible action of the Election Commissioner not taken.

To remedy this situation the Commissioner of Elections made arrangements to consider annulling results from particular booths in spite of non-reporting of election malpractice by (SPOs) if the PAFFREL observer confirmed that incidents which took place were serious enough to cancel or annul the results of a particular polling station.

PAFFREL appreciates this recognition bestowed on it by the Commissioner and will strive to the best of its ability to provide unbiased and accurate reporting and monitoring.

Further, arrangements were made to issue temporary identity cards with the approval of the Assistant Election Commissioner of the district, to avoid irregularities and lack of co-ordination in issuing temporary ID cards by Divisional Secretaries, on the recommendations

of the Grama Niladhari. This is another positive step the Election Commissioner took to prevent voter impersonation. PAFFREL welcomes the arrangement.

PAFFREL recognizes the pressures and difficulty that the Election Secretariat faced during the recently concluded provincial council election. Some of the administrative problems have already been stated by the Commissioner in his press conferences. For example the Election secretariat did not have enough time to even obtain the copies of electoral lists at the time of the declaration of the elections. The Election Secretariat, which has 525 employees is sadly understaffed. Resultantly the Election Secretariat employed 150 undergraduates of the University of Rajarata to work continuously ensuring voter's lists of the Anuradhapura District would be ready in time for the election.

Constitutional amendments to change the proportional voting system and the preferential voting system and various political pressure brought to bear on him has made the Commissioner of Elections appeal to the Supreme Court to permit him to retire. The efforts of the Commissioner of Elections to conduct the Provincial Council elections in an atmosphere conducive to the holding of elections is hailed and appreciated by PAFFREL.

However, whatever steps the Commissioner of Elections and the staff of his Department take to conduct the elections fairly is dependent on the creation of an environment which makes the implementation of these actions possible.

12. ROLE OF THE POLICE

PAFFREL appreciates the good work done by individual officers who tried to implement the law, however it needs be emphasized that action taken by the Police during the pre-election period was inadequate.

Special mention must be made of the Deputy Inspector General of Police in charge of Rajarata area took disciplinary action against police officers who acted partially and contrary to the law.

Mention must also be made of action taken by the Deputy Inspector General of Police in interdicting the 06 police officers who neglected their duty when Sabaragamuwa Chief Ministerial candidate of the U.N.P. was attacked.

Situations could have been controlled if similar action was taken against other officers who neglected to perform their duties.

Though PAFFREL has been critical of the police service in general during the time of the elections it appreciates the punitive action taken on officers who neglected carrying out their duties.

It must be emphasized that on election day however the police carried out their duties in a professional manner. The key role police played at the all party operation unit undoubtedly helped reduce violence on election day.

PAFFREL extends its thanks to the police department for the action it took to prevent violence on the day of the election.

13. CONCLUSION AND RECOMMENDATIONS

- Provincial Councils and local government bodies are a means to devolve power to the people at a local level. The aim of this devolution is to enable people at provincial, district, municipal, urban and pradeshiya level to seek solutions to the problems which affect them in their areas. It is not a yard-stick to measure the success or failure of central government policies.

Unfortunately PAFFREL has noted the elections held to the two provincial councils in the east did not focus on local issues, eg: overcoming short-comings in the education facilities available to students in these areas, or searching for solutions to the breakdown in economic activities on which the people depend for their livelihoods or the rebuilding of roads, drainage or sewerage systems. Rather they focused on national issues.

- Actors from outside of the province played a major role in election-related activities. The full might of the state and opposition was used to campaign during the election. We have commented on this elsewhere in our report and condemned them as acts of election malpractice.

A simple method of minimizing this type of malpractice would be (i) to ensure that local issues are focused on during LG elections. (ii) Local solutions to these problems are presented by parties contesting the local polls. (iii) That actors from outside of the province are dissuaded from campaigning in local government polls.

This would enable local solutions to purely local problems to surface while at the same time minimize the misuse of government property and other attendant malpractices.

- The Independent Elections Commission, which has to be appointed under the 17th Amendment to the Constitution, has not still been appointed. Thirty to forty years ago, it was possible for the Commissioner of Elections to conduct elections in a fair and free manner.
- The Commissioner of Election is not in a position to bring before the court media which violated his orders because there is no legal provision for such action.

On an earlier occasion the Commissioner appointed a Competent Authority to control the state media. But he is not in a position to control the private media.

The events of the recently concluded election reinforce the need for the appointment of an Independent Election Commission to ensure elections are conducted impartially.

- The powers of the Elections Commissioner need to be extended so as to give him power to take action against officers who fail to abide by his orders.

- PAFFREL is of the opinion that serious action needs to be taken against state officers who flout directives from superior officers and treat people's rights in an off-hand manner. Effective measures need to be taken to prevent this type of situation from deteriorating further.
- It may be a good idea to study the laws and powers of the Commissioner of Elections in India and provide similar powers to our own Commissioner of Elections or the independent elections commission which has to be set up under the 17th Amendment to the Constitution.
- Present day Sri Lanka society is experiencing backlash of the politicization of the police force and results of recruitment of political appointees as policemen. Officers who received promotion because of political affiliations are beholden to their political masters. They are not in a position to protect the law and implement illegal orders given by powerful politicians.

There is an urgent need to de-politicise the police force through the implementation of the 17th Amendment to the Constitution.

ELECTION RESULTS**ANNEXE I****Final Results
NORTH CENTRAL PROVINCE**

POLITICAL PARTY/ INDEPENDENT GROUP	Votes obtained	Percentage	Seats
United People's Freedom Alliance	307,457	56.37	20
United National Party	205,284	37.64	12
People's Liberation Front	26,738	4.9	1
National Congress	3,404	0.62	
United Socialist Party	821	0.15	
United National Alliance	695	0.13	
Jathika Sangwardhena Peramuna	252	0.05	
Anuradhapura Independent Group-7	106	0.02	
Left Front	92	0.02	
Polonnaruwa Independent Group-8	76	0.01	
Anuradhapura Independent Group-6	70	0.01	
National Peoples Party	51	0.01	
Sri Lanka Progressive Front	41	0.01	
Anuradhapura Independent Group-5	38	0.01	
Sinhalaye Mahasammatha Bhoomiputra Pakshaya	35	0.01	
Polonnaruwa Independent Group-4	35	0.01	
Polonnaruwa Independent Group-6	35	0.01	
Anuradhapura Independent Group-3	30	0.01	
Anuradhapura Independent Group-1	26	0	
Anuradhapura Independent Group-2	26	0	
Anuradhapura Independent Group-4	22	0	
Polonnaruwa Independent Group-1	21	0	
Polonnaruwa Independent Group-7	18	0	
Ruhunu Janatha Party	17	0	
Polonnaruwa Independent Group-5	14	0	
Polonnaruwa Independent Group-2	13	0	
Polonnaruwa Independent Group-3	13	0	
Muslim Liberation Front	10	0	
Valid Votes	545,440	95.1	
Rejected Votes	28,082	4.9	
Total Polled	573,522		
Regis. Electors	846,473		

* Includes 2 bonus seats under Section 61A(2) of the Provincial Council Elections Act No 2 of 1988

ANURADHAPURA District
(Includes the Polling Divisions of Anuradhapura East, Anuradhapura West, Medawachchiya, Horowpothana, Kalawewa, Mihinthale and Kekirawa)

POLITICAL PARTY/ INDEPENDENT GROUP	Votes		Seats
	Obtained	Percentage	
United People's Freedom Alliance	199,547	54.7	12
United National Party	142,019	38.93	8
People's Liberation Front	19,357	5.31	1
National Congress	2,033	0.56	
United Socialist Party	648	0.18	
United National Alliance	491	0.13	
Jathika Sangwardhena Peramuna	178	0.05	
Independent Group 7	106	0.03	
Independent Group 6	70	0.02	
Left Front	67	0.02	
National Peoples Party	51	0.01	
Independent Group 5	38	0.01	
Sinhalaye Mahasammatha Bhoomiputra Pakshaya	35	0.01	
Independent Group 3	30	0.01	
Independent Group 1	26	0.01	
Independent Group 2	26	0.01	
Independent Group 4	22	0.01	
Ruhune Janatha Party	17	0	
Sri Lanka Progressive Front	16	0	
Valid Votes	364,777	95.32	
Rejected Votes	17,900	4.68	
Total Polled	382,677		
Regis. Electors	569,417		

Postal Votes

Valid Votes	23,436	96.61
Rejected Votes	822	3.39
Total Polled	24,258	
No. of Postal Voters	25,768	

Polonnaruwa District
(Includes the Polling Divisions of Polonnaruwa, Minneriya and Medirigiriya)

POLITICAL PARTY/ INDEPENDENT GROUP	Votes		Seats
	Obtained	Percentage	
United People's Freedom Alliance	107,910	59.73	6
United National Party	63,265	35.02	4
People's Liberation Front	7,381	4.09	
National Congress	1,371	0.76	
United National Alliance	204	0.11	
United Socialist Party	173	0.1	
Independent Group 8	76	0.04	
Jathika Sangwardena Peramuna	74	0.04	
Independent Group 4	35	0.02	
Independent Group 6	35	0.02	
Left Front	25	0.01	
Sri Lanka Progressive Front	25	0.01	
Independent Group 1	21	0.01	
Independent Group 7	18	0.01	
Independent Group 5	14	0.01	
Independent Group 2	13	0.01	
Independent Group 3	13	0.01	
Muslim Liberation Front	10	0.01	
Valid Votes	180,663	94.66	
Rejected Votes	10,182	5.34	
Total Polled	190,845		
Regis. Electors	277,056		

Postal Votes

Valid Votes	6,935	95.95
Rejected Votes	293	4.05
Total Polled	7,228	
No. of Postal Electors	7,568	

Final Results
SABARAGAMUWA PROVINCE

POLITICAL PARTY/ INDEPENDENT GROUP	Votes		Seats
	Obtained	Percentage	
United People's Freedom Alliance	472,789	55.34	25
United National Party	346,321	40.53	17
People's Liberation Front	19,068	2.23	2
Ceylon Worker's Congress	10,163	1.19	
United National Alliance	1,495	0.17	
Up-Country People's Front	1,418	0.17	
United Socialist Party	1,117	0.13	
Jathika Sangwardhena Peramuna	467	0.05	
Left Front	412	0.05	
Ratnapura Independent Group-8	128	0.01	
Eksath Lanka Maha Sabha	113	0.01	
Kegalle Independent Group-10	108	0.01	
Ratnapura Independent Group-9	96	0.01	
Ratnapura Independent Group-5	60	0.01	
Ratnapura Independent Group-6	59	0.01	
Ruhunu Janatha Party	50	0.01	
Kegalle Independent Group-8	48	0.01	
Ratnapura Independent Group-3	47	0.01	
Kegalle Independent Group-9	47	0.01	
Kegalle Independent Group-3	46	0.01	
Ratnapura Independent Group-2	45	0.01	
Ratnapura Independent Group-1	39	0	
Kegalle Independent Group-1	34	0	
Ratnapura Independent Group-7	31	0	
Sri Lanka Progressive Front	30	0	
Kegalle Independent Group-5	30	0	
Kegalle Independent Group-7	30	0	
Ratnapura Independent Group-4	27	0	
Kegalle Independent Group-2	21	0	
Kegalle Independent Group-6	19	0	
Kegalle Independent Group-4	18	0	
Valid Votes	854,376	94.75	
Rejected Votes	47,297	5.25	
Total Polled	901,673		
Regis. Electors	1,318,826		

* Includes 2 bonus seats under Section 61A(2) of the Provincial Council Elections Act No 2 of 1988

Ratnapura District
(Includes the Polling Divisions of Eheliyagoda, Balangoda, Kalawana, Pelmadulla, Rathnapura, Rakwana, Nivithigala and Kolonna)

POLITICAL PARTY/ INDEPENDENT GROUP	Votes		Seats
	Obtained	Percentage	
United People's Freedom Alliance	260,218	55.22	13
United National Party	191,996	40.74	10
People's Liberation Front	9,703	2.06	1
Ceylon Worker's Congress	5,135	1.09	
Up Country People's Front	1,418	0.3	
United National Alliance	821	0.17	
United Socialist Front	705	0.15	
Left Front	346	0.07	
Jathika Sangwardhena Peramuna	264	0.06	
Independent Group 08	128	0.03	
Independent Group 09	96	0.02	
Independent Group 05	60	0.01	
Independent Group 06	59	0.01	
Eksath Lanka Maha Sabha	56	0.01	
Independent Group 03	47	0.01	
Independent Group 02	45	0.01	
Independent Group 01	39	0.01	
Ruhunu Janatha Party	31	0.01	
Independent Group 07	31	0.01	
Independent Group 04	27	0.01	
Sri Lanka Progressive Front	19	0	
Valid Votes	471,244	94.82	
Rejected Votes	25,769	5.18	
Total Polled	497,013		
Regis. Electors	713,205		

Postal Votes

Valid Votes	6,370	97.3
Rejected Votes	177	2.7
Total Polled	6,547	
No. of Postal Electors	6,762	

Kegalle District
 (includes the Polling Divisions of Dedigama, Rambukkana, Yatiyantota,
 Galigamuwa, Kegalle, Aranayake, Mawanella, Ruwanwella and
 Deraniyagala)

POLITICAL PARTY/ INDEPENDENT GROUP	Votes Obtained	Percentage	Seats
United People's Freedom Alliance	212,571	55.48	10
United National Party	154,325	40.28	7
People's Liberation Front	9,365	2.44	1
Ceylon Worker's Congress	5,028	1.31	
United National Alliance	674	0.18	
United Socialist Party	412	0.11	
Jathika Sangwardhena Peramuna	203	0.05	
Independent Group 10	108	0.03	
Left Front	66	0.02	
Eksath Lanka Maha Sabha	57	0.01	
Independent Group 08	48	0.01	
Independent Group 09	47	0.01	
Independent Group 03	46	0.01	
Independent Group 01	34	0.01	
Independent Group 05	30	0.01	
Independent Group 07	30	0.01	
Independent Group 02	21	0.01	
Ruhunu Janatha Party	19	0	
Independent Group 06	19	0	
Independent Group 04	18	0	
Sri Lanka Progressive Front	11	0	
Valid Votes	383,132	94.68	
Rejected Votes	21,528	5.32	
Total Polled	404,660		
Regis. Electors	409,308		

Postal Votes

Valid Votes	10,092	96.8
Rejected Votes	334	3.2
Total Polled	10,426	
No. of Postal Electors	10,959	

CONTESTED POLITICAL PARTIES

ANNEXE II

	No As per Part y List	Name of Party	Symbol	North Central		Sabaraganuw a	
				Anuradhapura	Polonnaruwa	Rathnapura	Kegalle
1	8	United People's Freedom Alliance	Betel Leaf	✓	✓	✓	✓
2	9	United National Party	Elephant	✓	✓	✓	✓
3	11	United National Alliance	Swan	✓	✓	✓	✓
4	15	Eksath Lanka Maha Sabaha	Fountain Pen			✓	✓
5	16	United Socialist Party	Tri-Shula	✓	✓	✓	✓
6	18	Up-Country People's	Mammoty			✓	
7	19	People's Liberation Front	Bell	✓	✓	✓	✓
8	21	National Congress	Hourse	✓	✓		
9	22	National Peoples Party	Electro Bulb	✓			
10	24	Jathika Sanwardhena Peramuna	Coconut	✓	✓	✓	✓
11	43	Muslim Liberation Front	Butter fly		✓		
12	44	Ruhunu Janatha Party	Motor Car	✓		✓	✓
13	45	Ceylon Worker's Congress(P.Wing)	Cockerel			✓	✓
14	48	Left Front	Table	✓	✓	✓	✓
15	52	Sri Lanka Progressive Front	Flower Vase	✓	✓	✓	✓
16	59	Sinhalaye Mahasammatha Bhoomiputra Pakshaya	Aero plane	✓			
		Total No of Parties		12	10	12	11

NETWORK ORGANIZATIONS

ENGAGED IN THIS ELECTION MONITORING MISSION

- Sarvodaya District Center, Ratnapura
- Human Rights Organization, Ratnapura
- Polonnaruwa District Citizen Committee, Polonnaruwa
- Sarvodaya District Center, Polonnaruwa
- Sarvodaya District Center, Anuradhapura
- Sama Sevaya, Anuradhapura
- Anuradhapura District Citizen Committee, Anuradhapura
- Sarvodaya District Center, Maradankadawala
- Deshabakthi Organization, Anuradhapura
- Sarvodaya District Center, Kegalle

PROVINCIAL MAPS

ANNEXE IV

NORTH CENTRAL PROVINCE



SABARAGAMUWA PROVINCE



Statement of Accounts
On The
Elections for The North-Central & Sabaragamuwa Provincial Councils
23rd August -2008

	Amount	Total
	Rs.	Rs.
Election Monitoring		
Allowance for head office coordination	420,500	
Head office Stationery & Communication	362,487	
Training of Election Monitors	415,000	
Out of pocket expenses for monitors on the election day	525,000	
Monitoring of Postal Voting	65,000	
Mobile monitoring costs	425,100	
Local travel and subsistence	74,500	
Allowances for resource persons	85,000	
Printing charges for Monitors forms caps and IDs etc.	223,655	
District and Divisional offices coordination	227,650	
Press conference expenses	25,256	
Accommodation and refreshments	25,352	
Printing & Pasting of Posters	31,876	
Printing of final report	60,000	2,966,376

Summary**Expenses**

Election Monitoring	2,966,376
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Donor

Norwegian Embassy	2,966,376
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E & O E

15th December 2008



People's Action for Free and Fair Elections (PAFFREL)

12/3, Robert Terrace, Robert Gunawardene Mawatha,

Colombo 6, Sri Lanka

Tel: 94 11 2514441/2 Fax: 94 11 5557012

Web: www.paffrel.lk

ISBN: 978-955-1700-16-4