

Final Report
on the
FIVE PROVINCIAL COUNCILS ELECTIONS
Held on 6 April 1999

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

&

Movement for Free and Fair Elections (MFFE)

1 June 1999

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1. Background

The five Provincial Councils in the Western Province, North Central Province, Central Province, Uva and Sabaragamuwa completed their term of office during June 1998. The date for the election of new Councils was fixed for the 28th August 1998 and nominations for the elections were received for all four Councils in July. Thereafter the government decided to postpone the elections on the ground that it was unable to ensure the necessary security during the election campaign and on the election day on account of the military situation in the North east. Consequently the elections were postponed indefinitely under a gazette notification issued under the Emergency Regulations. This order was challenged in the Supreme Court by two members of the Free Media Movement. The Supreme Court ruled that the Elections Commissioner had no authority to postpone the elections and ordered that they be conducted before the 22nd of April 1999. In their judgement the Supreme Court held that the right to vote was an essential part of the citizen's fundamental right to the freedom of speech and that the postponement of elections had violated that right. The decision had crucial implications for the functioning of the electoral system in Sri Lanka. One immediate effect of the Court's decision was to re-affirm the powers already enjoyed by the Election Commissioner under the present constitution and election laws. Another positive consequence was to strengthen civil society and further empower citizens in their independent efforts to protect the integrity of the vote and the conditions for free and fair elections.

The elections for the five Provincial Councils were being held in the aftermath of the Wayamba (North Western Provincial) election. The widespread violence and the flagrant infringements of the election law that marred the Wayamba election had evoked strong and nation-wide public reactions. During the day of the election as reports of the violations came in, the President herself expressed serious concern. According to media reports the Elections Commissioner had been requested to consider the cancellation of the elections. In a move which was unprecedented for any ruling party, the President publicly acknowledged the flawed nature of the Wayamba elections and appointed a Committee to investigate into the irregularities. It appears that this Committee did not start to function as several petitions have been filed in the Supreme Court seeking the invalidation of the Wayamba elections in both the electoral Districts - Kurunegala and Puttalam. This however need not have prevented political parties from taking independent disciplinary action against the members who had blatantly violated election laws. A later section of this report discusses this issue.

The exposure of what happened at the Wayamba election and the public revulsion that this had provoked had a decisive impact on the conduct of the five Provincial Elections. Several measures were taken by the political parties acting collectively to avoid a repetition of the Wayamba experience. These will be briefly described in section 3.

2. The Methodology for Monitoring

As in the past, PAFFREL/MFFE commenced the preparations for the monitoring of the elections from the day that the elections were announced. They organised their activities in the following manner.

- In every District, with the exception of Nuwara Eliya, the non-governmental organisations and individuals who had conducted the earlier election monitoring activities of PAFFREL/MFFE were invited to form co-ordinating committees at the District level. These committees were the main agents of PAFFREL/MFFE.

The scope of the monitoring to be undertaken, the training programmes for monitors, the criteria and guidelines relating to impartiality and objectivity were decided through open discussion at meetings organised at district level in collaboration with these committees. The committees also undertook the main task of mobilising the volunteers for monitoring the elections. Annexe 1 gives the details relating to the organisation at the district level.

- Workshops were organised in collaboration with these committees to instruct and orient the monitors on all essential items that required monitoring. PAFFREL and MFFE also provided assistance for the training of polling agents when requested by political parties to do so. Annexe 2 provides the details of this activity.
- The members of PAFFREL/MFFE met the leaders/senior members of all the contesting parties and obtained their views and assessments of the prevailing situation.
- PAFFREL/MFFE also met the Elections Commissioner and the DIG Elections and discussed the arrangements made by them for their monitoring. PAFFREL/MFFE attended the regular consultations which the Elections Commissioner held with the representatives of the contesting parties. The District representatives of the two organisations attended the district consultations.
- All information regarding the monitors detailed for the election day,- names, identity card numbers and vehicle numbers were supplied to the DIG and the Elections Commissioner. These lists were to be sent to the Returning Officers and the Police officers. Letters were given by the DIG and the Elections Commissioner to make it known to the Police and the Elections staff that we were undertaking the monitoring of the elections.
- During the election campaign, PAFFREL and MFFE received written complaints from political parties and individuals and obtained reports from their representatives at the district

level. At the same time, the officers of PAFFREL and MFFE were visiting the electorates to hold workshops and make arrangements for monitoring. They were thus able to observe how the campaign was being conducted and get a regular feedback on incidents and developments.

- **On the election day**, PAFFREL/MFFE covered approximately one third of the total number of polling stations with the resources that were available. They fielded approximately 3000 observers who were present in the close vicinity of the polling stations and 125 teams who toured the areas assigned to them and paid visits to selected polling stations in their circuit. They reported on the conditions prevailing in the specific polling stations that they visited as well as on complaints received and the observations made during their circuit. In most cases, monitors were able to enter polling stations and speak with the presiding officer.
- All monitors were given a check list of items to be monitored and a form for reporting. The mobile teams were instructed to fax their reports in the given forms to reach PAFFREL/MFFE offices before 7 P.M. on the election day.
- On the election day several offices were assigned the task of receiving complaints by telephone and fax. The telephone and fax numbers were publicised. Where these complaints seemed to require urgent action they were conveyed to the Elections Commissioner, office of the DIG Elections, and the secretariat of the all-party monitoring secretariat in the Presidential Secretariat.

3. The Situation during the Election Campaign

Though there were early indications that the election campaign was leading to highly confrontational situations, timely interventions, specially through the all party monitoring committee and its directions to the police had a strong restraining effect. Thus, the incidence of violence and other breaches of the law in the five provinces taken as a whole were significantly less than what had been observed during the Wayamba election. This was noted by the PAFFREL and MFFE staff who visited the districts and from the number of complaints that were being received as well as the gravity of the violations that were reported. There were several factors which were contributing to this situation.

- The All Party Monitoring Committee for the first time brought parties together to agree on the action that had to be taken to ensure a free and fair election. The measures that were recommended by the Committee and accepted by the government demonstrated a political will and commitment at the highest political level. This was essential for the Elections Commissioner and the Police Department to enforce the law effectively. This was observed in the action taken to remove posters and displays; the special security arrangements for polling booths; the decision to station army units which could be quickly deployed to control situations

in which there was a serious breakdown of law and order; unambiguous instructions to ensure independent and impartial action by the police.

- A group of concerned citizens petitioned the Supreme Court in fear of an imminent violation of fundamental rights in the conduct of the elections. On the responses made by the government the case was withdrawn. However the case had at least two positive impacts. First, in response to the petition the government set out in detail the action that was being taken to ensure a free and fair election and thereby made the processes governing the conduct of the elections transparent to the public. These intentions of the government would have had some deterrent impact on would be violators. Second it demonstrated that concerned citizens would be more active to seek redress through the law in the event of a violation of their rights.
- One of the more significant features of the election campaign was the emphasis given to the holding of free and fair elections. The violence and irregularities of the Wayamba election figured prominently in the UNP campaign. The President expressed regret over the excesses committed by the PA at the Wayamba election and called upon the UNP to ask for forgiveness from the people for their misdeeds during the period they were in power from 1977-1994. The statements made by the President and other senior members of the PA made the elections held in the five provinces a test of the government's commitment and capacity to guarantee free and fair elections.
- PAFFREL and MFFE also observed that as one consequence of these developments, parties were making serious efforts to impose discipline on their candidates and party supporters. The PA had set up its own organisation to monitor complaints made against the PA, one of its functions being to inquire into the indiscipline of their own members and ensure a more law abiding campaign.
- PAFFREL and MFFE have based their overall assessment of the situation during the election campaign on the complaints it received, the information it gathered from their representatives in the field and the judgements made by the PAFFREL and MFFE officers who visited the electorates. As stated earlier persons making complaints were asked to send them in writing. In past elections, PAFFREL and MFFE have received many complaints which proved to be either untrue, false or unrelated to the elections. Therefore the procedure that was adopted had the effect of discouraging such complaints. **The total number of written complaints received by PAFFREL and MFFE amounted to 306.** Many of the complaints were duplicated in the reports that were sent by the parties. Only a very few reports of incidents were received from the PA. They had probably decided that regular reports need not be sent to the independent monitors. The MEP had not planned to send regular reports on incidents. Some of the incidents reported by parties and individuals were not related to the Provincial elections. The individual

complaints received from various persons often referred to the same incidents contained in the reports of the political parties. One other feature of the complaints was that both the political parties involved in an incident made allegations and counter-allegations which initially get recorded as separate complaints. After screening for all these errors the total number of complaints came to 183.

The total number of complaints made to the Police far exceeded this figure. This was also the case in the Wayamba election. This difference could be due to a variety of reasons. Complaints of a minor character have not been recorded by PAFFREL and MFFE. Approximately 300 of the complaints made by the PA to the Police have not been received by PAFFREL and MFFE and have therefore not been included in the total. Some of the complainants who make entries in police offices may choose not to report to PAFFREL and MFFE. The breakdown of the total number by type of incident is given below.

Type of Incident	No.
Threats and intimidation	62
Assaults and use of violence for disruption of meetings and campaigning	58
Assault leading to grievous injury and hospitalisation	31
Attacks on offices and houses damage to property and arson	28
Homicides	4
Total	183

The complaints received by PAFFREL and MFFE cover the more serious crimes and offences that were committed during the election campaign. These include the complaints made by the opposition parties whose allegations of violence were directed mainly at the PA. It is to be expected that these parties would have reported all acts of violence and intimidation that were committed against them. (For example the method of reporting by the JVP was regular, very thorough and capable of ready verification). The total of 183 complaints received for all five provinces covering 5900 polling stations compares with the figure of 215 received in the case of Wayamba which is for one province covering 1200 polling stations. On this basis the incidence of acts of violence and other offences had occurred at the average rate of one for about every 6 polling stations in Wayamba compared to the rate of 1 to every 32 polling stations for the five Provincial elections. The comparative figures of average incidence that emerge for the two elections out of the higher totals of Police complaints also reveal differences of a similar magnitude. On the basis of these figures as well as the other observations made by their monitors and officers visiting the field, PAFFREL and MFFE had no hesitation in concluding that conditions in the five Provinces were a significant improvement on what prevailed in Wayamba. This conclusion is also borne out by the assessments that were made by the leaders and senior representatives of all the contesting political parties with whom

PAFFREL met and discussed the situation. Having made that overall assessment, PAFFREL and MFFE wish to reiterate what it stated in the situation report it issued on the election campaign, prior to the day of the election. **The fact that the election campaign is an improvement on Wayamba is by itself no cause for great satisfaction. The crimes and irregularities that were witnessed during the election campaign for the five Provinces was still at a level that must cause serious concern to the political parties and to all citizens.**

One indispensable pre-condition for a free and fair election is a **free and fair election campaign**. The situation prior to the election has to be judged primarily on the question as to whether all contesting parties were able to conduct their campaigns freely, give adequate publicity to their political agenda and to reach the electorate and communicate with it. The indicators for assessing the conditions for a free and fair election campaign range from minor disruptive acts to violent suppression of a rival's campaign. The incidents of election-related violence and breaches of election law have to be assessed in terms of their effect on the freedom and fairness of the election campaign. Some of the reported incidents are individual acts of violence arising out of past grievances and have only an indirect connection with the election itself. Their impact on the election campaign itself might be marginal. Frequently political parties claim that a victim of an act of violence is a party supporter. However most of the reported incidents occur as a result of the efforts of the rival parties to gain unfair advantage over each other and obstruct each other's election campaign. Therefore in monitoring the election campaign and

PEOPLES ALLIANCE MEDIA CO-ORDINATING UNIT

Press Statement

A gang of eight armed with clubs had mercilessly assaulted Chandana Pradeep Kumara, the Samurdhi Animator in Boralesgamuwa and a strong supporter of PA candidate at about 5.30 a.m. on April 1, 1999 (today).

According to the complaint he has lodged with Piliyandala police, he was pushed to the ground and trampled by the thugs, who continued to assault him. He required five stitches for head injuries.

*Kumara had identified three of the attackers, [****], whom he described as supporters of the UNP. The attackers came in a vehicle displaying (UNP candidate) [*] posters, Kumara told police. They had also been looking for Bandara, another P.A. supporter.*

Meanwhile, a PA activist in Moratuwa has complained to the police that a gang of armed persons had sexually assaulted his wife and ransacked his house around 3 p.m. on March 31 (Poya Day) while he was away. Chaminda Silva, the treasurer of the SLFP organisation in the area, told police that the gang had been looking for him.

The gang members had then broken into the house next door, where his wife's sister had been feeding her one-year-old child. They had pulled her away from the bed, injuring the child. They had ransacked the house and gone away, threatening to "kill Chaminda".

Chaminda's wife has identified three of the gang members, whom she described as supporters of a UNP candidate. Moratuwa police are investigating.

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1st April 1999*

assessing its freedom and fairness what is needed is to consider the incidents in the locations in which they occur and examine how they have a cumulative impact on the freedom and fairness of the campaign in that location. A mere count of the incidents or the categorisation of these on a scale of severity may not be sufficient to uncover the real situation in various parts of the entire electorate. At present PAFFREL and MFFE do not have the resources to undertake such a full appraisal of the pre-election situation. It has to rely on the observations made during field visits and on the quantitative assessment made on the number of incidents and their gravity. These however do reveal a disturbing situation.

- The reports of violence that have been analysed show that in several electorates the situation was such that parties and their supporters would have had to be constantly watchful for attacks directed at disrupting their campaign and intimidating their members and supporters.
- Given the sources of the complaints received by PAFFREL and MFFE the preponderant majority of the victims in these complaints are invariably the UNP and the JVP and the party responsible for the violent acts is the PA. On the other hand the PA has made over 300 complaints to the police where they allege they have been the victims. PAFFREL and MFFE cannot comment on these complaints as they have had no opportunity of analysing and verifying them as in the case of the others. A few of the reports that have been received on major incidents such as the homicides indicate that both the major parties have been in readiness to meet as well as to inflict violence. However from all the information that PAFFREL and MFFE observers gathered, the responsibility for the majority of the incidents reported appear to lie with the PA. The JVP for example most often identify the PA as the attacking party.
- At the first level of violence there were the complaints of threat and intimidation. The majority of the complaints alleged that "armed gangs" who were travelling in vehicles were responsible. Most of them named the individuals responsible. On many occasions prominent politicians of the locality - candidates at the provincial election themselves, members of Pradeshiya Sabhas and MPs had participated in these acts. These acts were often directed against the supporters of the rival party when they were in the process of campaigning. Most of these were legitimate activities such as the display of notices of meetings, arranging the meetings or house to house visits.
 - 37 complaints were from the UNP. The largest number of the complaints were from the Districts of Colombo, Gampaha, and Anuradhapura.
 - The JVP has made 19 complaints of intimidation covering Anuradhapura, Badulla, Gampaha, Matale, Mahiyangana, Kandy, Bandarawela. The largest number of incidents occurred in Anuradhapura.

- At the second level there were the incidents which resulted in physical assaults, disruption of meetings and destruction of propaganda material. In several incidents the assailants had forcibly entered the homes of the victims and beaten up the inmates. In some instances candidates and prominent party members were assaulted.
 - ↳ The UNP had in all 41 such complaints in the final list prepared by PAFFREL and MFFE. The districts with the largest number of incidents were Colombo, Kegalle and Anuradhapura. The incidents were scattered throughout the five provinces .
 - ↳ The JVP reported 14 such incidents. The majority were from the Western Province and Anuradhapura.
- Several attacks led to serious injury and victims had to be hospitalised. Seven of these incidents have been categorised by the Police as attempted murder.

○ The PAFFREL/MFFE list contained 20 such complaints from the UNP. The largest number of such incidents were reported from the Kandy District (5) followed by Polonnaruwa and Badulla (3 each).

○ The JVP were victims of 10 such incidents. Two of the incidents were reported from western Province others were distributed at the rate of one each in Kegalle, Anuradhapura, Matale and Kandy among others.

- Several Party offices and houses were attacked and other property such as vehicles were damaged during the campaign.

The UNP complained of 19 such incidents. Four of these were attacks on the party branch offices. One branch office it is alleged was set on fire. Several were attacks on residences. At Talawa the complaint alleged that the former UNP Prdeshiya Sabha member's house, shop and van were attacked and damaged.

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25.03.1999

1999 Provincial Council Elections - Violent Acts perpetrated on the JVP

Central Province - Matale District
Date : 22.3.99

Incident :- Because of a complaint made to the police by JVP candidate H.P.Premadasa, regarding an attack on his Election office situated at Matale Hettipola town on the night of 22.3.99, the owner of [****] Stores", one [***], a supporter of the P.A. has made a death threat on P.G.Nisantha Pradeep Kumara who is an active JVP supporter. Whilst making this threat he has said "Yako who are the J.V.Pers here, no one will be allowed to do JVP work here". This incident took place on the afternoon of 24.3.99. On the same night [**] and [**] came to the Saloon run by Nishanta Pradeep Kumara threatened him and broke the glasses in the saloon. Again on 24.3.99 afternoon, the same violent gang attack the election office at Wilgamuwa area run by JVP candidate Ranjith Konnara. For this attack [**] was joined by a party led by one [**] who was a member of the Hettipola P.S. They had come in a vehicle belonging to the P.S. and van belonging to [**]. When they attempted to paste posters of the P.A. in the election office, Ranjith Konnara had objected, then they made a death threat on him, broke all the banners and name boards in the office and caused damage to the office. On 25.3.99 the JVP office at Hettipola and the Saloon belonging to Nishanta Pradeep was completely covered with black oil. At about the same time this violent gang went about assaulting the JVP supporters in the area and threatened that they will not allow JVP supporters to come out of their houses. Because of this there was a danger to the lives of JVP members in the area. A complaint was made to the Wilgamuwa Police and Hettipola Police, state regarding the repeated incident that occurred, but this was of no use. No legal action has taken against them up to now.

Media Centre for election violence
Head Office - J.V.P.

The JVP had 8 such incidents. 4 were attacks on branch offices.

- Four homicides occurred during the election campaign. Three were in districts where the incidence of election-related violence has been high and where the political hostility between the leading politicians in the area has its roots in past events - Gampola, Matale and Kegalle. One of the victims was a PA activist and the other two were UNP activists. The fourth homicide occurred as result of a clash between two PA groups in Moratuwa.

- According to the reports received by PAFFREL and MFFE 14 incidents were due to clashes between factions supporting different PA candidates. Four of these, it is reported, resulted in serious injury and the victims had to be hospitalised.
- There were several complaints that preparations were being made for large scale impersonation and that polling cards were being collected in certain locations.
- According to the observations made by PAFFREL and MFFE and the reports received by them, the electorates where the incidence of violence was highest and where the threat to a free and fair election was greatest were Matale, Kandy, Haguranketa, Walapone, Kegalle, Mahiyangana, Aranayake, Kaduwela, Anuradhapura. Regarding Mahiyangana there were specific allegations that the PA had brought a large number of their supporters from outside to intimidate their rivals and disrupt their election campaign.
- There were a few developments immediately prior to the election which should be noted. There was a marked escalation in complaints from both the PA and the UNP on the day preceding the election day. The PA accused the UNP of planning to create conditions which would enable them to claim that the election was not free and fair. Among other things the PA alleged that the UNP planned to withdraw polling agents and blame the PA for forcibly preventing their polling agents from performing their duties at the polling stations. The UNP accused the PA of bringing in "thugs" from the NWP and the South to intimidate voters and collect their polling cards in order to engage in mass scale impersonation. These accusations had the unfortunate effect of creating an environment of fear and uncertainty on the voting day.
- This account which focuses on the various acts of violence committed by rival political parties on each other ignores the tragic impact that this type of election campaign has on the normal lives of citizens. Acts of brutal violence are often perpetrated against the families of candidates. The rights of women and children are abused with impunity. Many individuals like shopkeepers who can provide some useful service are drawn into the conflict and exposed to the violence of the rival party. In areas where the rivalry is high, citizens would have to tolerate groups of party supporters who often move around and impose an intimidating presence specially in rural electorates. The

UNITED NATIONAL PARTY

Human Rights Alert - Pre- Election Violence.

Paragraph 41.

Pregnant wife of UNP candidate Attacked - Matale

On 2.3.99 UNP candidate Sanjeeva Kaviratne's wife Rohini Kaviratne, a teacher by profession and three others were attacked by an armed gang at Nagolla near Hettipola town. Mrs Kaviratne is pregnant and was expected to be admitted to hospital the following week for child birth. She was admitted to Kandy hospital immediately

Mrs Chandra Menike, wife of Laggala Pradeshiya Sabha Opposition Leader, Rattota Pradeshiya Sabha former Chairman Ariyaratne and the former Pradeshiya Sabha member Doratiyawa were also injured.

Complaint was made to Pallegama Police. As no action has been taken by the Police, the Hon Prime Minister and the IGP were also informed.

clashes between rival groups in public places during demonstrations and processions often result in injury to citizens in the vicinity and damage to their property. The propaganda campaign often blatantly ignores the rights of citizens. The pasting of posters and the use of vans with loudspeakers to do the personal propaganda of the candidates are examples.

- PAFFREL and MFFE received many accounts of the suffering of people who were helpless victims of the violence that was unleashed by the election campaign. The Boxes contain three stories one each from the UNP, the PA and the JVP.

4. The Election Day

The conditions on the election day were observed by the mobile teams which were able to visit a total of 1842 polling stations. The reports of the mobile teams are summarised in the Tables that follow. According to the reports of the mobile teams, conditions in the large majority of the polling stations visited were normal. In 133 polling stations or 7.2 % of the polling stations that the mobile teams visited they have observed some occurrence or situation which could detract from a fully free and fair voting process. The types of observation made range from detecting an atmosphere of tension in the environs of the polling station due to the presence of groups of party supporters, impersonation in varying degrees and entry of unauthorised persons to the polling station on the one hand to the serious disruption of the voting due to the use of force on the other. They also reported incidents that had occurred in the vicinity of the polling stations. In regard to several polling stations where some minor incident such as impersonation by an individual or two had occurred the voting was proceeding normally and the monitors reported accordingly. In several cases where there had been threats to the orderly process of voting, the police had intervened and prevented any disruption or where such disruption had occurred, had successfully restored normal conditions. If the polling stations where minor irregularities such as impersonation by individuals had occurred are excluded, the percentage of polling stations where conditions were not entirely free from some type of tension or disturbance is in the range of 3% to 5% depending on how the incidents are categorised into those of a minor type which did not disturb the normal process of free polling and those which had an intimidatory and disruptive effect. Out of these major incidents of the type that occurred in Wayamba such as stuffing of ballot papers, prevention of voters from casting their votes and disturbances which led to the suspension of voting have occurred only in a few rare instances such as in Nirawiya and Polwatte. The total in the Police report for incidents of all types number 298. If it is assumed that this number is distributed at the rate of one per polling station then the percentage of polling stations affected would be in the region of 5%. These figures obviously would not include the observations which went into the reports of the mobile teams when they commented on the tensions they observed in certain polling stations, which did not amount to reportable incidents.

The overall assessment of PAFFREL and MFFE is that with the exception of approximately 7% of the polling station areas the prevailing conditions enabled voters to vote freely without any hindrance. Even within the 7% that has been identified as not being free of incidents more than half appears to have functioned in a manner which enabled the polling to proceed satisfactorily. The tabulation shows the distribution of these polling stations into two categories - one where the incidents were of a minor nature but polling continued peacefully and normally the other where a serious incident, intimidation, a high degree of party rivalry causing tension in and around the polling station or efforts at organised impersonation were observed.

The irregularities and manipulations which each of the two major parties accused the other of planning to perpetrate on election day - the mass-scale withdrawal of polling agents and an operation for mass scale impersonation in the latter part of the polling day - did not take place.

◆ *Western Province*

In the Colombo District on the 387 polling stations visited by mobile teams, observations of some type of activity which would disturb the orderly process of voting were made in respect of 31 polling stations. These were in the electorates of Kolonnawa, Kaduwela, Kesbewa, Borella, Dehiwela - Mount Lavinia Ratmalana and Moratuwa. (see Box Moratuwa) The mobile teams refer to crowds of PA supporters and UNP supporters near the polling station, attempts to influence voters, evidence of impersonation with distribution of polling cards both by PA and UNP supporters in several of the 31 polling stations referred to above, signs of tension and conflict, a disturbance which was controlled with the intervention of the people in the area and police.

In Gamapha the polling stations singled out for some adverse comments amounted to 31 out of 407 polling stations. The electorates involved are Negombo, Kelaniya/ Biyagama, Mahara, Attanagalla, Wattala, Divulapitiya. The type of activities described are similar to what was observed in the Colombo District and mainly refer to Party supporters congregating near the polling station, groups of supporters in vans, evidence of influencing voters and an atmosphere of tension.

♦ *Central Province*

The coverage of the monitoring activity carried out by PAFFREL/MFFE in the Kandy and Nuwara Eliya Districts was not sufficient to assess the situation in these Districts as a whole. Our report is limited to the polling stations that were monitored by the teams.

In Kandy 21 polling stations had been visited. The mobile teams reported that the situation was tense in two of them and there were signs of intimidation of voters. Complaints were received in PAFFREL's monitoring office in Colombo that persons had forcibly entered the polling station at and that vote rigging was taking place.

In the Matale District, the mobile teams had visited 126 polling stations of which they had made adverse comments on 6. These refer to impersonations which were detected by the UNP polling agents and in one case prevented by the officials. At one polling station the candidate's vote had been impersonated. Outsiders were seen influencing voters and in two polling stations polling cards were being distributed to persons presumably for the purpose of impersonation. (See Box)

*Province : Centrel
District : Matale
Electorate : Dambulla*

In the Dambulla electorate three mobile patrols were utilised. They were able to visit and inspect 56 polling stations. Three groups had been out in the field from about 8.30 a.m. to 4.00 p.m.

Polling Agents : In every polling booth there were 2 polling Agents of the PA. The UNP had 2 in 43 stations, one in 7 stations and none in 6 stations. The JVP had 2 in 12 stations, one in 16 stations and none in 28 stations.

Security : In all polling stations there was a minimum of 2 police officers present. In 9 stations there were more than 2 officers present.

Status of polling stations : Out of the total of 56 stations, 50 stations could be described as satisfactory and 6 had been unsatisfactory. In another station, although no incidents were reported, there were signs of unruly behaviour and tension. In one station there was impersonation. In 2 stations, polling cards have been taken from voters, and in 2 stations party supporters were attempting to use undue influence on voters.

In general the areas visited by the mobile team has been conducive for a Free & Fair Elections except for the 6 instance mentioned above. The voting has not been brisk at the beginning of the poll but has improved after about 9.30 p.m. with heavy polling taking place in the afternoon.

In Nuwara Eliya in the Hanguranketa electorate 12 polling stations had been visited and of which the mobile team had made adverse comments on 7. These included evidence of intimidation, impersonation, absence of UNP polling agents in 2 polling stations and only 1 UNP agent in 4 stations.

In Kalutara the mobile teams had visited 245 polling stations. At one polling station one attempt at impersonation had been detected and the offender was handed over to the police. In Agalawatte the mobile teams had observed a van without number plates transporting voters and had given the information to the police. The offenders had been taken into custody.

*Province : Western
District : Colombo
Electoralates : Moratuwa*

Report Of Monitoring Team: Moratuwa

We visited 17 polling booths in Korawella, Indibadda, Willorawatta and Angulana between 1.30 p.m. and 4.00 p.m. By this time, almost 50% of voters registered at each polling booth had cast their votes.

In the polling booths Agents of the PA and UNP were present. There were JVP polling Agents in 13, and representatives of the Sri Lanka Progressive Front (6 booths) and the Liberal party (2 booths). There were also 2 police officers assigned to each polling booths. There was also STF mobile petrol that was on call.

We were able to enter all the polling stations and were greeted cordially by the presiding officers. They were willing to give us the information we required.

Although the rain in the morning had meant a low turn-out as the polls opened by 11 the rush began and there were queues at all the stations right up to 4.00 p.m.

There were supporters of the UNP and of the PA present in many places, but always at a distance from the actual polling stations. The police were present at two booths where the presiding officers had reported a possible clash between the two groups - at Indibedda (polling stations 34 and 35) and at Willorawatta (polling station 33).

There was only one polling station (No. 3) at which we noticed that members of the PA were present inside the premises and distributing poll cards. This was in numbers of 2 and 3 cards, not in large quantities.

At booth No. 33 there was a complaint from both PA and UNP organisers for the area that a group of vehicles bringing PA supporters from outside the area had turned up at St. Charles Place at the turn of to the polling station and the group had attempted to enter the polling station. However the people of the community, UNP and PA supporters alike, had united to appeal to them to leave. This had diffused the situation.

At all booths, at the moment that we visited there were no complaints of any interference or attempts to violate election law. The Presiding officer said that voting had proceeded smoothly, and without any incident.

Provincial Council Elections - Western Province

Province	District	Electorate	No. of Polling Stations Visited	Satisfactory	Tension/ Minor Irregularities ^(a)	Unsatisfactory ^(b)	
Western	Colombo	Colombo	12	11	1	0	
		Maharagama	44	44	0	0	
		Kaduwela	63	60	2	1	
		Kesbewa	46	43	2	1	
		Homagama	14	14	0	0	
		Kotte	14	14	0	0	
		North Colombo	14	14	0	0	
		Kolonnawa	58	51	7	0	
		Borella	30	26	0	4	
		Moratuwa	16	12	4	0	
		Dehiwala-Mt. Lavinia	27	23	3	1	
		Colombo West	26	26	0	0	
		Ratmalana	23	17	2	4	
		Kalutara	Horana	30	28	0	2
	Bandaragama		10	10	0	0	
	Bulathsinhala		32	32	0	0	
	Agalawatte 1		16	16	0	0	
	Agalawatte 2		18	18	0	0	
	Matugama		24	24	0	0	
	Kalutara		33	33	0	0	
	Panadura		17	17	0	0	
	Dodangoda-Matugama		21	21	0	0	
	Panadura-Kalutara		24	24	0	0	
	Beruwala		20	20	0	0	
	Gampaha		Negombo	39	34	0	5
			Katana	56	48	7	1
		Kelaniya/Biyagama	32	28	4	0	
		Mahara	14	13	1	0	
		Attanagalla	32	32	0	0	
		Ja-ela	57	53	4	0	
		Wattala	58	54	1	3	
		Minuwangoda	14	11	1	2	
		Dompe	14	14	0	0	
		Mirigama	10	10	0	0	
		Gampaha	13	13	0	0	
		Divulapitiya	72	70	0	2	
	Total			1043	978	39	26

^(a) Incidents of a minor nature but polling continued usually

^(b) Incidents of a serious nature intimidation, high degree of violence and party rivalry causing tension in and around polling stations, efforts at organised impersonation.

Provincial Council Elections - Central Province

Province	District	Electorate	No. of Polling Stations Visited	Satisfactory	Tensions/ Minor Irregularities ^(a)	Unsatisfactory ^(b)
Central	Kandy	Udunuwara	05	4	0	1
		Kundasale	16	12	2	2
	Nuwara-Eliya	Hanguranketha	12	5	5	2
	Matale	Matale	46	44	2	0
		Rathota	16	16	0	0
		Dambulla	56	50	3	3
		Wilgamuwa	15	15	0	0
Total			166	146	12	8

(a) Incidents of a minor nature but polling continued usually

(b) Incidents of a serious nature intimidation, high degree of violence and party rivalry causing tension in and around polling stations, efforts at organised impersonation.

◆ **Sabaragamuwa**

In the Ratnapura District, out of the 104 polling stations visited the mobile teams commented on problems in 4. These included impersonations and supporters crowding around polling stations.

In the Kegalle District, the situation was not considered fully satisfactory in 9 polling stations out of 101 visited by the mobile teams. The electorates involved were Aranayake, Yatiyantota Mawanella and Ruwanwella. In Aranayake the teams reported that UNP polling agents had allegedly been chased away in two polling stations. In Yatiyantota the team reported an incident of shooting, intimidation and collection of polling cards and impersonation. In the other stations the teams mentioned cases of impersonation and signs of tension. (See Box)

Province : Sabaragamuwa

District : Kegalle

Electorate : Ruwanwella, Aranayake, Yatiyantota, Deraniyagala, Kegalle, Mawanella, Rambukkana.

In this area 7 mobile teams has been utilised and they visited 101 polling stations. They have been in the field from about 8 a.m. to about 4.15 p.m.

Polling Agents : In 5 stations the U.N.P. Agents were not present. In 8 stations the P.A. Agents were not present and in 45 stations no J.V.P. Agents were present.

Security : A minimum of 2 security officers were present in the stations except in 8 stations where there were no officers when the mobile team visited them.

Status of polling stations : In 4 stations there were complaints of impersonation and undue influence. There was one serious incident near the Dambulla polling station.

In general except for the above incidents, the rest of the area has been peaceful Voting has been slow in the morning but picked up in the afternoon.

Province : Sabaragamuwa

District : Ratnapura

Electorate : Balangoda, Imbulpe, Eheliyagoda, Niitigala, Ratnapura, Rakwana, Godakawela, Kalawana.

In these areas 8 mobile patrols were deployed, and they had visited 132 polling station. They had been on the field from about 7.30 a.m. to 4.00 p.m.

Polling Agents : The PA had no agents in 3 booths and the UNP in 3 booths, and the JVP in 75 booths. In 132 stations this information has not been given. In one station only the UNP Agents were present (Eheliyagoda).

Security : 2 police officers had been present in all stations except in one station at Rakwana where there was no security and whereby a jeep was parked in a manner that obstructed the road. But no other problems.

Status of polling stations visited : In almost all other stations the conditions were satisfactory. Impersonation and 2 cases of crowds congregating near station, one road block and one instance of one vehicle being overturned at Godakawela have been reported.

In general the area has been conducive for a free & fair election with no major incidents being reported.

Provincial Council Elections - Sabaragamuwa Province

Province	District	Electorate	No. of Polling Stations Visited	Satisfactory	Tensions/ Minor Irregularities ^(a)	Unsatisfactory ^(b)
Sabaragamuwa	Ratnapura	Kalawana	14	14	0	0
		Ratnapura	18	18	0	0
		Rakwana	22	21	1	0
		Nivithigala	19	19	0	0
		Ehaliyagoda	16	16	0	0
		Balangoda	29	26	3	0
		Kegalle	Kegalle	13	13	0
	Ruwanwella		14	13	1	0
	Mawanella		16	12	4	0
	Yatiantota		14	12	2	0
	Rambukkana		13	13	0	0
	Deraniyagala		18	15	1	2
	Aranayake		13	11	0	2
	Total			219	203	12

(a) Incidents of a minor nature but polling continued usually

(b) Incidents of a serious nature intimidation, high degree of violence and party rivalry causing tension in and around polling stations, efforts at organised impersonation.

◆ *North Central Province*

The mobile teams visited 143 polling stations. Although at the time of the visits no disturbances were observed the teams reported that incidents had occurred in 11 of them. They referred to a shooting incident in Niriyawa where two persons had been injured and hospitalised. An attack on the house of a JVP candidate was also reported. In six polling stations in Talawa, it has been reported that polling cards have been forcibly taken from voters. A monitor of PAFFREL had been threatened and prevented from performing his duties. In Medirigiriya out of 19 polling stations visited, polling agents had not been present in 16. In Laksa Uyana in Polonnaruwa it was alleged that the UNP agent had been chased away and as a result the JVP polling agent had also left. Police had later cleared the area of outsiders and security had been strengthened. At Sri Siddhath Vidyalaya polling station the police had taken to custody persons who were in possession of hand grenades. (See Box)

*Province :North Centrel Province
District :Anuradhapura*

Monitors have received reports that gangs have gone to the areas covered by the polling stations mentioned below and grabbed the polling cards of the voters.

Divulwewa, Senapura, Maha Illuppallama, Hiripitiyagama, Bulnewa, Mahameegaswewa and Kalawewa polling stations.

At Horowapathana and Medawachchiya villagers have been threatened and their polling cards taken away.

A group of persons who came to the Senapura polling station have threatened the people and used force on the two police officers on duty.

At Bulwewa the JVP Agents were not allowed to enter the station till afternoon.

One Upul Ananda a PAFFREL Monitor reported that his PAFFREL identity card was removed from him and he was threatened. At the Dewananda Piyatissa school at Niraviya there has been a shooting incident and 2 persons had been admitted to hospital. At Halmillewa Senapura the JVP candidate Ranaweera Pathirage's house has been attacked.

Provincial Council Elections - North Central Province

Province	District	Electorate	No. of Polling Stations Visited	Satisfactory	Tensions/ Minor Irregularities ^(a)	Unsatisfactory ^(b)
North Central	Polonnaruwa	Polonnaruwa	77	75	2	0
		Medirigiriya	19	19	0	0
		Hingurakgoda	19	19	0	0
	Anuradhapura	Anuradhapura	28	19	6	3
Total			143	132	8	3

^(a) Incidents of a minor nature but polling continued usually

^(b) Incidents of a serious nature intimidation, high degree of violence and party rivalry causing tension in and around polling stations, efforts at organised impersonation.

Uva Province

In Badulla District 129 polling stations had been visited. Adverse comments have been made on 17 polling stations. In one polling station- Attampitiya- it is reported that the UNP polling agent had been chased away by an armed group. In Dehigolla, the monitors had received a report that a JVP polling agent who had identified a PA supporter impersonating had been assaulted after the poll closed. In Ridimaliyadde the monitors report that impersonation had been taking place and that voters were intimidated. The police mobile patrol had been informed. Monitors also report that party supporters in blue attire were seen congregating close to some of the polling stations visited in Uva Paranagama and burning tyres were to be seen in many places. The reports also refer to instances where impersonators had been identified and arrested. Where polling agents had been chased away or threatened police had intervened effectively to get them back to their work.

In Monaragala District 142 polling stations were visited by 8 mobile teams. The mobile team reported 12 incidents some of which had not directly affected the conditions in and around polling stations. They include a shooting incident attacks on vehicles by supporters of both PA and UNP, complaints of impersonation and threats against JVP polling agents in one polling station. Apart from these incidents the monitors reported that the conditions that prevailed in the district as a whole were conducive for a free and fair election (see Box)

Province :Uva

District :Monaragala

Electorates :Monaragala, Wellawaya, Bibile

In the above electorates there were 140 monitors stationed in 40 polling stations and there were 8 mobile patrols covering 8 DS divisions. These monitors received the fullest cooperation from all party leaders, Election officials and other security officials.

Generally in these areas our monitoring activity was performed without any hindrance and we were able to prevent some malpractices that had been planned, because of prior information received by us. Banners and cut-outs were put up by all parties, but these were removed after the intervention of the police. On election day people were able to cast their vote enthusiastically in a free manner. Generally it could be said that the elections were held peacefully except for a few incidents most of which could be described as minor.

Incidents :

☞At about 4 p.m. on election day, near the Nagala polling station in DS area of Medagama a group of about 50 to 60 supporters of the UNP & PA were getting organised and a clash was imminent. We intervened along with the members of the Human Rights Organisation and was able to prevent this clash.

☞At Monaragala a group of UNP supporters shot in the air to frighten a crowd that was threatening them with stones.

☞It was reported that 2 UNP supporters had insulted 2 PA supporters.

☞At Medagama, two vehicles of the UNP had obstructed a lorry belonging to the PA and overturned it. After this the PA supporters had attacked and damaged 2 UNP Vans.

☞At Wellawaya one person who tried to impersonate his brother's vote was arrested by the police.

☞On the afternoon on 6.4.99, van no. 59 -0665 belonging to the UNP was attacked and damaged by the PA supporters.

☞On 5.4.99 the JVP polling Agents attached to the Nelulla Junior School polling station were threatened by about 6 or 8 PA supporters. Similarly one Bandusena was also given a death threat, because he had given information regarding a person coming to impersonate.

☞At Salabawa, Badalkumbura, Tanamalwila and Medagama there were complaints of impersonation.

☞At Hulanduwa North, a person who was detained by the police for attempting to impersonate was released on the intervention of an MP.

Provincial Council Elections - Uva Province

Province	District	Electorate	No. of Polling Stations Visited	Satisfactory	Tension/ Minor Irregularities ^(a)	Unsatisfactory ^(b)
Uva	Badulla	Mahiyanganaya	14	12	0	2
		Uva Paranagama	16	13	2	1
		Haputale	12	10	1	1
		Hali-Ela	15	13	2	0
		Passara	10	9	0	1
		Wiyaluwa	18	18	0	0
		Badulla	30	28	1	1
		Bandarawela	14	12	1	1
	Monaragala		142	135	4	3
Total			271	250	11	10

(a) Incidents of a minor nature but polling continued usually

(b) Incidents of a serious nature intimidation, high degree of violence and party rivalry causing tension in and around polling stations, efforts at organised impersonation.

There was one unfortunate development that adversely affected the work of the monitors. The PA openly accused the CMEV of issuing reports which were deliberately biased against the PA; and following on this, the General Secretary of the PA requested the members of the PA and other agencies concerned with the election not to give the CMEV any assistance or co-operation. This caused PAFFREL, MFFE and all associated organisations grave concern and dismay as they felt that it was not only unfair by the CMEV but was also a breach of PA's own pledge of a free and open society and would harm the development of civil society as a whole. As a result of this action a few monitors from PAFFREL and MFFE were harassed and prevented from carrying out their tasks by persons who were alleged to be PA supporters. One such incident occurred in the Anuradhapura District and two others in Mahiyangana. In Mahiyangana the officials had intervened and the monitor had been able to resume his activities. With these few exceptions PAFFREL and MFFE monitors received full co-operation from both the election officials and the Police.

5. Conclusions and Recommendations

The progress that has been witnessed in reducing election-related violence and irregularities in the five provincial elections is an encouraging sign and demonstrates the innate capacity of the system that is available for administering elections. Given the necessary degree of authority and independence both the Elections Commissioner and the Police acting together can ensure that most of the conditions necessary for a free and fair election can be fulfilled. It is also clear that this requires an unequivocal commitment to free and fair elections at the highest political levels. What is

of crucial importance is to prevent politicians from interfering with the enforcement of the law. There are however many lessons to be learnt from these elections.

- The framework that was established for the conduct of the five Provincial elections contains several elements which provide a model which can be adopted and improved for future elections. The circulars issued and the procedures adopted for the conduct of the elections which were presented to Court in the case brought by the citizens on an imminent violation of their fundamental rights should become part of a regular manual of procedure for the conduct of elections and should be made available to all concerned parties. Special arrangements of a more confidential nature such as those for posting the AROs and SPOs and other measures for preventing violations of election have also contributed significantly to the improvement that was observed at the five provincial elections. These could all become part of the administration of elections in the future.
- Both the special Police unit dealing with Elections and the Elections Department need additional resources to increase their effectiveness. One critical component would be a system for rapid communication and constant contact with all polling stations and mobile patrols. This should receive the highest priority of the government.
- In the present electoral system and the conditions that prevailed at the time the elections were called, the All Party Monitoring Committee fulfilled an essential function of providing the political support and commitment for free and fair elections. It was able to do so at the highest political level. The Committee could become a permanent part of the institutional framework for free and fair elections. But in doing so it must not in anyway downgrade or attempt to become a substitute for the regular consultations that are held by the Elections Commissioner with the contesting parties. On the contrary, the All-party Committee could function as a mechanism which facilitates the work of these consultations by making recommendations to the Commissioner on which political consensus has been reached. One of the primary functions of the All-party Committee could be to promote a code of conduct accepted by all parties and ensure the full observance of such a code. It is also important that the All- party Monitoring Committee should not be seen as a substitute for election monitoring by civil society bodies. Even while political parties may reach consensus among themselves as to the meaning of free and fair elections, the meaning that term holds to civil society may be considerably different. For instance PAFFREL MFFE and other civil society organisations have made suggestions for procedures that would make impersonation more difficult. But the responses of the two major parties who appear to be the biggest offenders in this respect have not been resolute to have the necessary changes legislated.

- PAFFREL and MFFE noted that partly as a result of the All-party Committee there was some evidence of a slackening in the participation of the political parties (particularly the PA) in the consultations arranged by the Elections Commissioner. The consultative mechanism of the Elections Commissioner could be strengthened and given legal status and all contesting political parties represented at a sufficiently high level.
- Most political parties have their own election monitoring mechanisms. These no doubt perform a useful function in gathering the information on election-related violence and other infringements although they do so mainly in the interests of the party. They can also become a means of maintaining discipline within the party and ensuring that members do not violate election law. For example this was one of the avowed aims of the PA election watch. However in its operations the PA Election Watch targeted the CMEV, leading to the deplorable situation referred to earlier. There is serious cause for concern when the mechanisms set up by political parties act in a manner which circumscribe and violate the freedom and democratic space of civil society organisations. PAFFREL and MFFE wish to record their strong protest at the manner in which the PA Election Watch has handled its disagreements with the CMEV.
- The candidates have continued to violate the law concerning display of posters, banners and cut-outs and have done so blatantly. One of the welcome measures taken on the decision of the All-party monitoring committee was the removal of these displays. This was done quite effectively, but a day or two following the removal some candidates had begun to display these again, although on a somewhat lesser scale. In a recent survey of a small sample of public opinion on this issue it has been revealed that citizens are of the view that posters are needed (not cut outs and banners etc) for the identification of candidates and the basic information concerning them. The total banning of posters has been ineffective. It is likely that legal provision for the display of posters with regulations governing such display might be more effective and easier to implement. These measures would need to be combined with the issue of rules governing the financing of the campaign for both the party and candidates. On all these PAFFREL and MFFE consider that a more orderly regime should be put into operation.
- One indicator of a free and fair election is the presence of polling agents of all contesting parties at the time of the poll and the freedom they enjoy to perform their functions. Special arrangements should be made to provide security to polling agents and enable them to be present and act freely in polling stations at the time of voting. It should not be difficult to make such arrangements. This is demonstrated in several instances in the recent election where the police intervened effectively to enable polling agents who were forced out of the polling station to return and resume their functions. However the security arrangements we refer to should go further than intervention when violations occur and should protect the rights of polling agents from the time they are designated. The crimes against polling agents should carry deterrent

punishment. One very effective way of enabling polling agents to perform their functions is to implement the recommendation made by the Commissioner of Elections that the Commissioner should be authorised to annul the poll in a polling station where polling agents have been forcibly prevented from being present and performing their duties.

- Monitors have reported there was evidence that organised impersonation was being carried out in several polling stations. Impersonation is likely to increase in magnitude in a situation where the margins of victory are quite narrow as it happened in the recent elections. Even if we eliminate the worst forms of irregularities such as stuffing of ballot papers into ballot boxes and forced entry into polling stations by groups for the specific purpose of casting false votes, impersonation can still be carried out on a large scale at a more refined and less detectable level. The major part of the impersonation occurs where voters have died, changed residence or migrated. Estimates of voters whose names remain in the register but have migrated out of the country vary from 500,000 to 1 million. While the periodic revision of registers will look after some of these migrants, there are bound to be a large proportion which have not been affected by such revision. Political parties appear to regard these absentee voters as a major opportunity for systematic impersonation. From the information available to PAFFREL and MFFE such lists are being compiled by parties. These could be used by parties not only for the purpose of preventing impersonation by their rivals but also for impersonation on their own behalf.

There are several ways of reducing the opportunities for impersonation. Revision of voter registers could be more thorough and subject to independent verification. Information on migration out of the country and on deaths could be fed more quickly into the registration system. The technology that is now available should make this possible. Lists of voters who are not resident could be made available to SPOs. Both citizen bodies concerned with free and fair elections as well as political parties could co-operate in this effort. For all of this the Elections Commissioner and some other departments would require more resources. But by more than any of these measures, impersonation can be prevented best by requiring the proper identification of voters through their identity cards. This should be able to look after a large part of the impersonation that occurs in the case of voters who are on the register but who have migrated from the locality. PAFFREL and MFFE therefore recommend that the introduction of a system of identification be given the highest priority.

- In the prevailing political culture it would be difficult to ensure freedom and fairness during the election campaign or for voting on the polling day unless there is a special effort to expedite the process of the law in dealing with election-related crimes and electoral irregularities. At present while some of the more serious crimes such as homicide and attempted homicide are dealt with promptly, the law does not appear to be prompt or effective in dealing with a large host of lesser crimes as well as violations of electoral law. In the past PAFFREL and MFFE have

suggested that there should be a process of regular monitoring of the action taken on all alleged offences - what complaints are not pursued for lack of evidence, what complaints are taken to court and the progress and eventual outcome of such action. A monitoring task of this nature would fall within the purview of an independent Elections Commission. Until then it could be a function of the Elections Commissioner. Both the Police Department and the Department of Elections should be strengthened and provided with the resources needed to undertake this task.

- Apart from activating the normal processes of the law PAFFREL and MFFE would also recommend that statutory provision be made for an investigating committee/commission of a high level to follow on every election in order to investigate and report on the election-related crimes and electoral offences and to make recommendations for suitable remedial action. These should cover the conduct of elections, electoral law and the conditions and responsibilities that need to be fulfilled by the contesting political parties. Such post-election investigations could well be undertaken by the Commissioner of Elections or an Elections Commission under a system which guarantees their independence, but in any case such a task in order to be effective should be one that is specially mandated.
- One disturbing feature of the recent elections was the way in which individual members of political parties ignored or openly defied the decisions taken by the all-party monitoring Committee. None of the political parties appear to be taking any action against their members who have committed crimes and electoral offences with shocking impunity. Neither the declarations of commitments to a free and fair election on the part of the PA nor the campaigning for electoral reforms have only PA is mentioned credibility in the eyes of voters when there is no evidence to show that these parties are ready to take deterrent disciplinary action to deal with their errant members. PAFFREL and MFFE would appeal to all political parties to institute a formal open process to conduct disciplinary investigations on the allegations that have been made and to take appropriate action.
- Some of the electorates which reported the largest number of incidents or unsatisfactory conditions during election day, according to our mobile teams were in electorates which had been identified during the election campaign as having the highest incidence of election-related violence and the greatest potential for use of force and electoral irregularities on the day of the poll. Political leaders would need to give their special attention to their own party establishments in these electorates and remedy the situation.
- We urge the political parties to re-examine radically the principles and practices they adopt at present in selecting and nominating candidates for election and to ensure that no politician who

has demonstrated a proneness to violence and contempt for democratic norms is presented as a choice to the electorate.

- Most of the acts of violence and election offences are committed by supporters and members of political parties. However they seldom act on their own; they have the support or the tacit approval of senior members and party organisers. The law relating to aiding and abetting of crimes or conspiracy to commit crimes as well as the responsibilities of principals for agents do not seem to apply to political parties. This is an area which needs to be investigated. The culpability and liability of party functionaries for both the crimes as well as damages suffered by the victims of election- related crimes need to be properly defined in law.
- Meanwhile citizens do have the means of eliminating these criminal elements from our public life and our political system. This they can do by not casting their preferential vote for the politicians who use violent and irregular means to gain political power and who do not act firmly to prevent the use of such methods by their supporters. A concerted effort has to be made by religious leaders as well as all citizen bodies to motivate voters to reject politicians who seek their vote by resorting to various forms of violence and intimidation. They should demand that political parties openly pledge that they will not give a place to such politicians.
- Although having recourse to the law and taking punitive action may certainly improve the situation, both political parties as well as civil society would have to reach much further to heal the deep divisions in our society which have seriously damaged our democratic institutions. At our discussions with political parties, PAFFREL and MFFE have often had to listen to the cruelty and indignity that rival parties have inflicted and continue to inflict on each other. Many politicians bear the physical scars of these acts and constantly remind themselves of the past. The memories go back to the post election violence of 1970 and 1977 and electoral abuses of the referendum and the by-elections that followed. A later generation of politicians have been nurtured in this culture of violence and tend to use violence as the most effective means to deal with political rivalries and disputes. Political leaders as well as civil society, particularly the religious organisations would need to dedicate themselves to a nation-wide campaign to bring our politics out of this cycle of hatred and vindictive violence and take it along a saner more humane and non-violent path. In many electorates which have demonstrated a high propensity for election-related violence such as those listed above, what is needed and would bring enduring results is a process of mediation by religious leaders and community leaders.
- A highly questionable precedent set at the recent election was the decision by the PA to designate senior politicians who were Ministers and Deputy Ministers as the Chief Ministerial candidates although they were not nominated as candidates. If the PA won the majority of seats an elected candidate was to resign and make way for these politicians who would be nominated

to fill the vacancies and thereafter assume office as Chief Ministers. Such an arrangement appears to be permissible under the present election law governing the Provincial Council elections. It can be argued that the electorate was aware of the PA's intentions and they would have been taken into account by voters and that therefore there was no actual violation of democratic principles. However the whole arrangement is intrinsically undemocratic. It enables a politician to move from one high office to another without facing the trial of an election and it deprives the voters of their right to elect the candidate who will eventually assume office as the Chief Minister. PAFFREL and MFFE strongly urge that the law be amended to prevent such arrangements which violate best democratic practice.

- All the recommendations that have been made above point to the need for far-reaching electoral reform. This must go together with the participation of civil society in the strengthening of the democratic processes and institutions. Most of the major institutional reforms that are needed such as an independent Elections Commission have been widely discussed and there is a broad measure of political consensus on them. Part of the political strategy of the government has been to make electoral reforms an integral part of the wider constitutional reforms aimed at resolving other critical national issues. PAFFREL and MFFE as organisations concerned with free and fair elections do not wish to comment on these issues and the strategies adopted by the two parties. We earnestly appeal to both the PA and the UNP to reach the consensus that is necessary to carry forward the process of electoral reform. Meanwhile there are specific amendments such as those which have been recommended by the Elections Commissioner after Wayamba that can be legislated within the present system and can strengthen the Elections Commissioner in ensuring a free and fair election.

Acknowledgements

PAFFREL and MFFE wish to convey their deep appreciation to the Elections Commissioner and the DIG and SSP who were in charge of the police functions during the election for the courtesy and co-operation they extended to us and the action they took to facilitate our work. As in the past, the Elections Commissioner enabled our representatives to attend the consultations as observers and this greatly helped us in our work. On occasions we needed to communicate information to the Police on election-related incidents, we had no difficulty in reaching them and receiving a prompt response.

We are grateful to our partner institutions without whose generous support and participation we could not have undertaken this task and accomplished it to the extent we were able to do. In addition we had monitors who were assigned to polling stations whom we have not listed by name. Some of them had to brave the hazards of monitoring in a somewhat hostile environment. We thank all of them.

We have been greatly encouraged by the response that we have received from concerned citizens from all the five provinces. We hope to be able to obtain their participation on a regular basis for the activities that are being planned by PAFFREL and MFFE to further improve the environment for free and fair elections. What has been most heartening to PAFFREL and MFFE is the non-partisan value system and the commitment to fair and impartial observation and reporting that we have been able to build into the process of monitoring elections. It is such citizens who can transform our political culture.

Accounts

A statement of accounts setting out in detail the receipts and payments in connection with the Provincial elections is given in Annexe 3. We express our sincere appreciation to all our benefactors, large and small for the willing and generous contributions they made to finance the monitoring.

Western Province

Colombo District							
Parties	1994 General	%	1997 Local Govt.	%	1999 Prov.	%	
PA	469642	50.94	394712	44.82	313576	38.90	
UNP	385100	41.77	352333	40.01	362636	45.00	
OTHERS	67191	7.29	133651	15.18	29969	3.70	
JVP					55361	6.80	
MEP					43008	5.30	
Valid Votes	921933	100.00	880696	100.00	804550	100.00	
Rejected Votes/Total Polled	36635	3.82	47674	5.14	50435	5.90	
Total Polled/Reg. Voters	958568	77.56	928370	71.62	854985	64.40	
Total Not Polled/Reg. Voters	277390	22.44	367873	28.38	471502	35.50	
Registered Voters	1235958	100.00	1296243	100.00	1326487	100.00	
Gampaha District							
Parties	1994 General	%	1997 Local Govt.	%	1999 Prov.	%	
PA	509030	56.79	473732	57.12	376176	48.30	
UNP	375631	41.91	308823	37.24	317698	40.79	
OTHERS	11627	1.30	46829	5.65	11226	1.44	
JVP					58277	7.48	
MEP					15492	1.99	
Valid Votes	896288	100.00	829384	100.00	778869	100.00	
Rejected Votes/Total Polled	33553	3.61	51456	5.84	48262	5.83	
Total Polled/Reg. Voters	929841	81.51	880840	75.44	827131	68.16	
Total Not Polled/Reg. Voters	210967	18.49	286810	24.56	386459	31.84	
Registered Voters	1140808	100.00	1167650	100.00	1213590	100.00	
Kalutara District							
Parties	1994 General	%	1997 Local Govt.	%	1999 Prov.	%	
PA	271754	53.77	241136	51.00	198702	44.08	
UNP	221115	43.75	197539	41.78	199054	44.16	
OTHERS	12491	2.47	34172	7.23	10255	2.28	
JVP					28347	6.29	
MEP					7149	1.59	
SLMC					7230	1.60	
Valid Votes	505360	100.00	472847	100.00	450737	100.00	
Rejected Votes/Total Polled	25397	4.79	34436	6.79	28441	5.94	
Total Polled/Reg. Voters	530757	82.14	507283	75.80	479178	70.78	
Total Not Polled/Reg. Voters	115442	17.86	161950	24.20	197785	29.22	
Registered Voters	646199	100.00	669233	100.00	676963	100.00	

Central Province

Kandy District							
Parties	1994 General	%	1997 Local Govt.	%	1999 Prov.	%	
PA	267683	46.43	284703	51.25	247250	47.54	
UNP	301824	52.35	253573	45.65	232934	44.79	
OTHERS	7045	1.22	17197	3.10	2423	0.47	
JVP					16065	3.09	
MEP					4433	0.85	
NUW					16954	3.26	
Valid Votes	576552	94.89	555473	92.44	520059	91.98	
Rejected Votes/Total Polled	31019	5.11	45449	7.56	45333	8.02	
Total Polled/Reg. Voters	607571	83.67	600922	86.90	565392	72.46	
Total Not Polled/Reg. Voters	118621	16.33	90602	13.10	214840	27.54	
Registered Voters	726192	100.00	691524	100.00	780232	100.00	

Matale District							
Parties	1994 General	%	1997 Local Govt.	%	1999 Prov.	%	
PA	102680	49.85	108771	55.34	95115	51.36	
UNP	100121	48.61	77762	39.57	70705	38.18	
OTHERS	3161	1.53	10006	5.09	616	0.33	
JVP					8010	4.32	
MEP					1453	0.78	
NUW					9306	5.02	
Valid Votes	205962	94.22	196539	90.36	185205	91.93	
Rejected Votes/Total Polled	12646	5.78	20968	9.64	16257	8.07	
Total Polled/Reg. Voters	218608	84.32	217507	80.28	201462	71.67	
Total Not Polled/Reg. Voters	40663	15.68	53413	19.72	79627	28.33	
Registered Voters	259271	100.00	270920	100.00	281089	100.00	

Nuwara-eliya District							
Parties	1994 General	%	1997 Local Govt.	%	1999 Prov.	%	
PA	97658	32.35	107039	40.24	79264	29.18	
UNP	175478	58.12	131555	49.45	88020	32.41	
OTHERS	28782	9.53	27416	10.31	7083	2.61	
JVP					4909	1.81	
NUW					69441	25.57	
UCPF					22896	8.43	
Valid Votes	301918	93.33	266010	88.32	271613	89.80	
Rejected Votes/Total Polled	21592	6.67	35188	11.68	30853	10.20	
Total Polled/Reg. Voters	323510	83.67	301198	77.61	302466	77.24	
Total Not Polled/Reg. Voters	63158	16.33	86916	22.39	89119	22.76	
Registered Voters	386668	100.00	388114	100.00	391585	100.00	

North Central Province

Anuradhapura District							
Parties	1994 General	%	1997 Local Govt.	%	1999 Prov.	%	
PA	180454	55.19	183481	58.23	156291	54.2	
UNP	142084	43.45	117707	37.36	110284	38.37	
OTHERS	4446	1.36	13895	4.41	6049	2.10	
JVP					14197	4.91	
MEP					1150	0.40	
Valid Votes	326984	95.72	315083	92.44	287971	92.8	
Rejected Votes/Total Polled	14620	4.28	25781	7.56	22153	7.16	
Total Polled/Reg. Voters	341604	83.95	340864	79.31	310124	69.24	
Total Not Polled/Reg. Voters	65322	16.05	88915	20.69	137974	30.76	
Registered Voters	406926	100.00	429779	100.00	448098	100.00	
Polonnaruwa District							
Parties	1994 General	%	1997 Local Govt.	%	1999 Prov.	%	
PA	82438	51.18	78875	53.27	75466	52.01	
UNP	76706	47.62	60580	40.91	60022	41.37	
OTHERS	1934	1.20	8624	5.82	722	0.50	
JVP					8498	5.86	
MEP					394	0.27	
Valid Votes	161078	96.16	148079	92.03	145102	93.40	
Rejected Votes/Total Polled	6434	3.84	12823	7.97	10255	6.60	
Total Polled/Reg. Voters	167512	83.68	160902	76.79	155357	71.49	
Total Not Polled/Reg. Voters	32680	16.32	48644	23.21	61961	28.51	
Registered Voters	200192	100.00	209546	100.00	217318	100.00	

Uva Province

Badulla District							
Parties	1994 General	%	1997 Local Govt.	%	1999 Prov.	%	
PA	146546	43.48	136261	42.71	140293	44.32	
UNP	182131	54.04	160745	50.38	137437	43.42	
OTHERS	8382	2.49	22031	6.91	5486	1.73	
JVP					12106	3.82	
MEP					1980	0.63	
NUW					19224	6.07	
Valid Votes	337059	92.19	319037	87.26	316526	91.50	
Rejected Votes/Total Polled	28540	7.81	34758	9.51	29396	8.50	
Total Polled/Reg. Voters	365599	84.00	353795	81.28	345922	76.04	
Total Not Polled/Reg. Voters	69661	16.00	93392	21.46	108991	23.96	
Registered Voters	435260	100.00	447187	102.74	454913	100.00	

Moneragala District							
Parties	1994 General	%	1997 Local Govt.	%	1999 Prov.	%	
PA	75954	50.28	78762	50.21	66870	45.35	
UNP	66266	43.86	66481	42.38	65340	44.31	
OTHERS	8856	5.86	11614	7.40	2606	1.77	
JVP					10292	6.98	
MEP					419	0.28	
NUW					1927	1.31	
Valid Votes	151076	90.28	156857	92.04	147454	91.34	
Rejected Votes/Total Polled	16274	9.72	13557	7.96	13976	8.66	
Total Polled/Reg. Voters	167350	83.93	170414	80.77	161430	72.04	
Total Not Polled/Reg. Voters	32041	16.07	40560	19.23	62647	27.96	
Registered Voters	199391	100.00	210974	100.00	224077	100.00	

Sabaragamuwa Province

Ratnapura District						
Parties	1994 General	%	1997 Local Govt.	%	1999 Prov.	%
PA	233687	50.77	236616	55.46	191502	47.5
UNP	220750	47.96	172006	40.32	175912	44.1
OTHERS	5848	1.27	17995	4.22	5833	1.4
JVP					17200	4.3
MEP					1624	0.4
NUW					7586	1.9
Valid Votes	460285	95.12	426617	92.41	399657	93.1
Rejected Votes/Total Polled	23611	4.88	35027	7.59	29358	6.8
Total Polled/Reg. Voters	483896	87.20	461644	84.18	429015	73.3
Total Not Polled/Reg. Voters	71011	12.80	86733	15.82	155983	26.6
Registered Voters	554907	100.00	548377	100.00	584998	100.0

Kegalle District						
Parties	1994 General	%	1997 Local Govt.	%	1999 Prov.	%
PA	184216	47.72	181986	50.26	165041	47.7
UNP	198556	51.44	166252	45.92	158503	45.8
OTHERS	3246	0.84	3204	0.88	983	0.2
JVP			9837		15537	4.4
MEP			283		1552	0.4
NUW					4351	1.2
MULF			507			
Valid Votes	386018	95.83	362069	93.07	345967	93.58
Rejected Votes/Total Polled	16793	4.17	26961	6.93	23749	6.42
Total Polled/Reg. Voters	402811	80.41	389030	75.40	369716	70.01
Total Not Polled/Reg. Voters	98136	19.59	126946	24.60	158391	29.99
Registered Voters	500947	100.00	515976	100.00	528107	100.00

Provincial Council Elections - April 1999
PAFFREL/MFFE District Coordination

Western Province

Colombo District

1. Peoples Alliance for Free and Fair Election (PAFFREL)
C/o Marga Institute,
93/10, Dutugemunu Street,
Colombo 6.
Tel: 828544/829051/828545/071-732726
Fax: 828597
2. Movement for Free and Fair Election (MFFE)/MDDR
1149, Kotte Road, Rajagiriya
Tel: 865655/584350/591314
Fax: 873775
Hot Lines: 0717-32726/072225171

Gampaha District

1. Mr. G. Ariyapala
District Leader
Sarvodaya District Centre
Polhengoda Road, Yakkala
Tel: 033-22887
2. Mr. Palitha Karadana, (Attorney at Law)
Sarvodaya District Centre
Polhengoda Road, Yakkala
Tel: 033-22887
3. Mr. U.L.A. Joseph
Sarvodaya District Centre
Polhengoda Road, Yakkala
Tel: 033-22887

Kalutara District

1. Mr. Chitral Perera, Janasansadaya
81/2, Arthur V. Dias Mawatha, Panadura
Tel: 034-35191
2. Mr. Piyasoma Bentota/ Mr. Aruna Aluthge
Human Rights Committee
Senasa Akkara Vissa, Ingiriya
Tel: 034-62418/ 034-61293

Central Province

Kandy District

1. Rev. Fr. Nandane Manatunge
Setik Institute
23, Kandy Street, Kandy
Tel: 074-471613
Fax: 08-222775 / 232349
2. Mr. Chandana Tennakoon
Setik Institute, Kandy
Setik Institute
23, Kandy Street, Kandy
Tel: 074-471613
Fax: 08-222775 / 232349

Matale District

1. Mr. Gunapala Samaranayake
District Leader
Sarvodaya Centre, Purujjala, Matale
Tel: 066-44385
2. Mr. Allan Obeysekara
Voters Association
C/o Red Cross Office
89, Dharmapala Mawatha, Matale
Tel; 066-22459/066-23528

Nuwara Eliya District

1. Mr. Pushpa Kumara Jayadeva
District Leader Sarvodaya
District Centre, Hawa Eliya, Nuwara Eliya
Tel: 052-23000

Uva Province

Badulla District

1. Mr. K.G. Dassanayake
Sarvodaya District Coordinator
Tel: 055-22581
2. Mr. G.A. Prabath Kumara
325/A/3, Kanupallalle, Badulla
Tel: 055-32496
3. Mr. Sirisena Attanayake
Bio-Diversity Centre
4A, Water Tank Road, Hindagoda, Badulla
Tel: 055-23667

Moneragala District

1. Mr. Gunaratna Konara
Secretary
Human Rights Organisation
Opposite Bus Stand, Wellawaya
Tel: 055-74675
2. Mr. Wijeyaratne Jayasooriya
District Leader Sarvodaya
Sarvodaya District Centre
Ella Road, Wellawaya
Tel: 055-748304

North Central Province

Anuradhapura District

1. Mr. Samson Jayasinghe
Samasevaya
Talawa Road, Talawa
Tel: 025-76266

Polonnaruwa District

1. Mr. Kulasiri Wijetillaka
District Leader Sarvodaya
New Town, Polonnaruwa
Tel: 027-22422

Sabaragamuwa Province

Ratnapura District

1. Mr. L. Welikala
Human Rights Organisation
2/85, Bandaranayake Mawatha, Ratnapura
Tel: 045-31093/036-30395
CellNo: 072-650291
2. Mr. Subasena de Silva
District Leader, Sarvodaya Centre
270, Ellagoda, Kahawatta
Tel: 045-574218

Kegalle District

1. Mr. Upali Premachandra
District Leader, Sarvodaya
Sarvodaya District Centre
Randeniya, Hiriwadunna
Tel: 035-65139

**Training Workshops held for the Provincial Council Elections in Western
Uva, Sabaragamuwa, Central and North Central Provinces**

Date	Venue	Electorate
6.3.1999	Samasevaya Centre	Anuradhapura
13.3.1999	Sarvodaya Centre	Gampaha
18.3.1999	Udugama Viharaya	Kegalle
19.3.1999	Diriya Foundation	Horana
19.3.1999	Sarvodaya Centre	Yatiantota
20.3.1999	Hathigampola	Aranayake
20.3.1999	Sarvodaya Centre	Godagama
21.3.1999	Sarvodaya Centre	Hanwella
21.3.1999	Pore, Srimaha Viharaya	Kaduwela
21.3.1999	U.N.P. Office	Beruwala
22.3.1999	Sarvodaya Centre	Attanagalle
22.3.1999	Sarvodaya Centre	Mahara
23.3.1999	Sarvodaya Centre	Minuwangoda
23.3.1999	Sarvodaya Centre	Dompe
24.3.1999	Sarvodaya Centre	Mirigama
24.3.1999	J.V.P. Office	Badulla
25.3.1999	Sarvodaya Centre	Gampaha
26.3.1999	J.V.P. Office	Kalutara
26.3.1999	Pradesiya Secretariat Office	Kandy
26.3.1999	Pradesiya Saba Office	Matugama
26.3.1999	Jana Maha Viharaya	Bulathsinhala
26.3.1999	Sarvodaya Centre	Agalawatte
27.3.1999	Morawatte Temple	Ruwanwella
27.3.1999	Sarvodaya Centre	Ruwanwella
27.3.1999	Marga Institute	Colombo Group
27.3.1999	Sarvodaya Centre	Megoda Kolonnawa
28.3.1999	U.N.P. Office	Matugama
28.3.1999	Hungampola Maha Vidyalaya	Kandy
28.3.1999	Kuda Viharaya Temple	Wallalavita
28.3.1999	Community Centre	Dodangoda
28.3.1999	Sarvodaya Office	Kalutara
28.3.1999	Sarvodaya Centre	Keththaramaya
28.3.1999	Sarvodaya Centre	Warakapola
28.3.1999	Sarvodaya Centre	Kegalle

28.3.1999	Sarvodaya Centre	Polonnaruwa
28.3.1999	Sarvodaya Centre	Boralle
29.3.1999	Sarvodaya Centre	Matale
30.3.1999	Marga Institute for J.V.P. polling agents	Colombo
30.3.1999	Sarvodaya Centre	Gampaha
30.3.1999	Sarvodaya Centre	Rathtota
31.3.1999	Janasansadaya	Panadura
31.3.1999	Janasansadaya	Beruwala
31.3.1999	Janasansadaya	Bandaragama
31.3.1999	Sarvodaya Centre	Borella
31.3.1999	Sarvodaya Centre	Homagama
1.4.1999	Sarvodaya Centre	Ukuwela
1.4.1999	M.F.F.E. Office	Ratnapura
2.4.1999	Sarvodaya Centre	Matale
2.4.1999	M.F.F.E. Office	Ratnapura
2.4.1999	Sarvodaya Centre	Kotte
2.4.1999	Sarvodaya Centre	Kaduwela
3.4.1999	Samasevaya	Anuradhapura
3.4.1999	Janasanvadaya	Panadura
3.4.1999	Setik Secretariat	Kandy
4.4.1999	Sarvodaya District Centre	Polonnaruwa
4.4.1999	Podujana Himikam Kamituwa	Horana
5.4.1999	Podujana Himikam Kamituwa	Bulathsinhala

Monitoring of Provincial Council Elections, 6th April 1999
Statement of Income and Expenditure for the Period from March 1st to April 30th 1999

Income

Received from Civil Rights Movement	26,160.00
Received from Urgent Action Fund	290,960.00
Received from other sources	360,000.00

	677,120.00

Expenditure

Monitors Training/Workshop Expenses	98,431.00
Travelling for the participants	33,669.00
Per-diem for resource persons	24,150.13
Local travel (Transport)	69,643.00
Expenses for the stationed monitors	108,800.00
Mobile Vehicles for the Election day	68,500.00
Printing and stationary	99,478.50

	502,671.63

Excess of Income over Expenditure	174,448.37
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Godfrey Gunatilleke
Chairman (PAFFREL)

P.B. Wijetilleke
Director Administration & Finance
Marga Institute