



නිදහස් හා සාධාරණ මැතිවරණයක් සඳහා වූ ජනතා ව්‍යාපාරය  
நீதியானதும் சுதந்திரமானதுமான தேர்தலுக்கான மக்கள் இயக்கம்  
Campaign for Free & Fair Elections

CAFFE

100/19, Walikada Waththa Road, Rajagiriya. Tel. 060 2188106 E-mail [caffe2008@gmail.com](mailto:caffe2008@gmail.com)

## Pre-Election Monitoring and Observation Report: Eastern Provincial Election - 2008

**Report is attached herewith**

### Executive Members

Nimalka Ferenando

Shiral Lakthilka

S. G Punchihewa

Keerthi Tennakoon

Senaka Wattedgedara

Asanka Mahagedaragamage

Sudhrasana Gunawardhana

# **Pre-Election Monitoring and Observation Report:** **Eastern Provincial Election - 2008**

As an election observing and monitoring organization accredited under the Election Commissioner CaFFE has been observing and monitoring the Eastern Province from the 9th of April 2008 until the 8th of May 2008. This report has been prepared with the aim of presenting the monitoring observations that CaFFE has made during in these days of operation.

## **What is CaFFE?**

Essentially CaFFE is a people's organization, which encompasses members of the civil society, lobbying groups, religious groups, trade unions, political parties and opinionated individuals coming together to Campaign for Free and Fair Elections. Created in place of 'so called' independent organizations CaFFE is an organization with multi-partiality as its core foundation to hold up Democratic values in society.

During this election CaFFE has monitored and observed the Digamdaulla, Batticaloa and Trincomalee districts of the Eastern Province. It has worked closely with the network of election monitoring and observing organizations in the pre-election and election periods.

CaFFE launched its operations on the of April 2008 and has been constantly evolving and expanding its operations. CaFFE has now opened inter district coordination centers and trained election observers and monitors. Our election monitors not only consist of individuals who are Sinhalese, Tamil and Muslim but also individuals from different professions and religious clergy. CaFFE's election information gathering mechanism extends to include representatives of different political parties, representatives who have come for the Eastern election from all parts of Sri Lanka, political party headquarters, district and electoral offices making it a in depth and embedded local level network of monitoring and observation.

The basic query this report analyzes is whether there was any atmosphere or environment conducive to conduct free and fair lections. To accomplish this objective this report used 4 facets, which were:

- 1) Whether law and order prevailed during the elections in election areas.
- 2) The manner in which state resources were utilized during the pre-election phase.
- 3) The manner in which state media was utilized for election campaigning.

4) Whether election laws were properly adhered during the election.

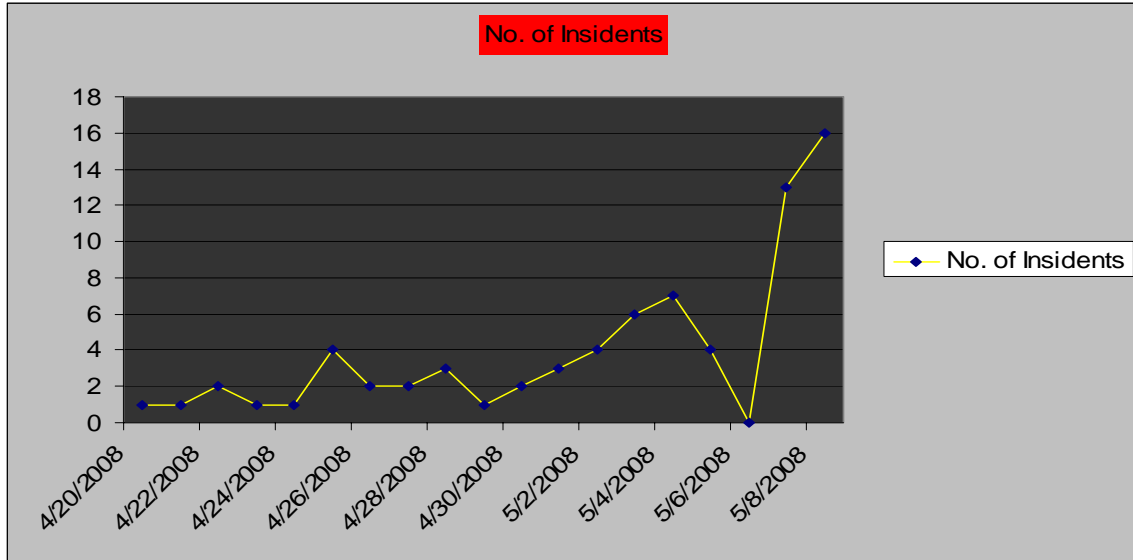
Answering these four questions using qualitative and quantitative data will be the objective of this paper. Using these four facets and the data gathered by CaFFE observers and monitors this report will determine whether the Eastern Provincial election of 2008 was 'free and fair'. This report will now give a summary of each facet and the data gathered to achieve this aim.

### 1) Whether Law and Order Prevailed during the Election in the Election Areas

CaFFE observed and monitored the following conditions and issues according to the incidents reported to CaFFE:

District	Received Complaints	
	Confirmed	Not confirmed
Batticaloa	34	20
Trincomalee	17	7
Digamadulla	22	8
Total	73	35

There were 2 killings, 4 abductions, 11 assaults and 9 death threats among the statistics given above.



This chart indicates that there was a tendency rate of election violations increased during the pre-election periods.

With regard to these issues the first observation that CaFFE makes is that all election violation incidents are reported to the respective police stations and police personnel who are responsible for conducting elections. The perpetrators of these election violations and crimes have not been subjected to a proper investigation and brought to justice. The conspicuous factor in this context was that the aggrieved parties were reluctant to report atrocities and present them to the public domain. It is observed that in some instances aggrieved political parties subjected to intimidation and violence have attempted to conceal such incidents due to unknown factors.

It is indispensable fact that the people in the previously war ravaged Eastern Province be given the opportunity to develop their confidence towards the State law and order process. Encouraging such a process should be seen as a pre-cursor to ending the fear psychosis prevalent in the consciousness of the Eastern people due to the violence, intimidation, and losses they have been subjected to during the course of this war. The lack of investigative aptitude and motivation of the relevant authorities coupled with the impunity offered to the perpetrators of these crimes have only increased the feeling of insecurity among the people of the Eastern Province. This in turn has affected the voter's right and mindset to enjoy his or her sovereign right which is supposed to be implemented through his or her right to enjoy the franchise. This issue became a serious deterrent to a 'free and fair' election when CaFFE observed and monitored that armed groups connected to political parties other than government security forces and police moving around in the Eastern province and enjoying a culture of impunity. These armed groups were seen campaigning as supporters of election candidates. There were even instances Due to these unfair and uncouth acts other political parties who are entitled to their Democratic right of enjoying equality before the law and equal protection by the law have been denied their electoral and democratic rights.

CaFFE observed that there were 9 paramilitary camps operating in the Batticaloa district. Furthermore, CaFFE observed that in the Kalmunai area, which belongs to the Ampara district, these paramilitary members were operating inside established police sentry points. Taking into account these instances Tamil and Muslim communities residing in these areas were subjected to a fear psychosis

## 2) The manner in which State Resources were utilized during the Pre-Election Phase

Districts	Complaints
Batticaloa	29
Trincomalee	17
Digamadulla	37
Total	83

\*CaFFE observes much more incidents concerning the misuse of state property reported in media then the complaints presented above.

CaFFE observed that a number of ministries, government departments and corporations have initiated several development projects under the 'reawakening of the Eastern province', apart from that there were several artificially constructed and political manipulated development projects that had been initiated under the pretext of development but which were geared towards mainly influencing the minds of the voters.

The utilization of state resources and thereby public funds, by political parties for election campaigns during the pre-election and election period leads to a unjust political enrichment. Due to these perpetrations people were denied their basic sovereign rights; franchise through these acts.

## 3) In what manner was the Media utilized for Election Campaigning

### Electronic

CaFFE observed that state media had been utilized in favor of one political party contesting in the Eastern Provincial election. Approximately 70% of news reports and bulletins were formulated in favor of one party. Major opposition parties did not receive any positive reporting and was, to a substantial degree subjected to negative representation in the media. One of the most striking features of state media broadcasting during the election was that the JVP and other Tamil political parties and independent groups excluding the TMVP did not receive any news space. Furthermore, State media which has been established and operated using

public funds did not given any space or time for voter education. This was evident in the broadcasting content of all 3 state owned media institutions.

## **Print Media**

In government which is considered as public service media, its was observed that 100% of the content included in all 3 media institutions (Daily News, Thinakaran and Dinamina) reported news in favor of the United Peoples Freedom Alliance (UPFA) and TMVP, while they reported against all other political parties.

## **4) How election laws were observed during the election**

CaFFE observed the following violations of elections during the election periods and pre-election period:

- a) Incidents of forging and impersonation during filing of nomination papers in the Ampara district.
- b) The widespread use of propaganda posters without the printing parties name and address throughout the Eastern province.
- c) Although election officers were designated for each party for each respective office for each respective district and electoral base in the Ampara and Trincomalee districts most political parties maintained several offices for their complaining purposes.
- d) Although it is prohibited to conduct processions, pickets and public gatherings after the nomination dates, CaFFE observed that during the pre-election period under the pretext of social and religious purposes several parties conducted processions and public gatherings in support of campaign purposes.
- e) It is prohibited by election law to provide any State preferences or favors in order to get votes. However, it was observed by CaFFE that various parties using various methods, especially state resources to get votes.
- f) The most frequent violations were observed in the election time intimidation (direct / indirect) used by various parties to influence the average voter of the Eastern Province. Such intimidation was further extended by direct and indirect violence and threats. Furthermore, religious affiliations were used to seduce the voter mindsets.

## Summary of Observations

CaFFE observes that there has been intense political interest among the political parties and independent groups who are participating in the elections.

CaFFE observes that rather than intimidatory physical violence, primary violations involved psychological intimidation of other groups and voters by the perpetrators of these violations.

It was observed by CaFFE that the incidents that occurred in the Batticaloa district in relation to serious crimes concerned the involvement of more than one armed group that was operating in the areas.

CaFFE further observes that, if the armed groups that are operating in the Batticaloa district spread its operations closer or around the polling booths of the districts it can create an substantial impact on the voting pattern during election day.

CaFFE observes that the law and order protection mechanisms of the State have not been in operation in the Eastern province at their optimum functioning capacity. If this is the case, an environment in which armed group have no respect for the rule of law will not be conducive towards the discretion of the voter to cast his or her vote, severely restricting this ability on election day.

CaFFE observes that due to the indirect collusion of forces between law and order protection mechanisms which are controlled by one party that are contesting in elections and armed groups who have no respect for the rule of law in the country, there is a potential to that peoples sovereignty rights will be violated during elections.

CaFFE observes that, comparatively, the opportunity to actively and consciously participate in the pre-election period that is available to the Sinhala and Muslim communities in the Eastern province has not been made available to the Tamil community in the Eastern province. We observed that the reason for this inaction is the fear-psyche within the minds of the Tamil community.

CaFFE observes that among the Sinhala community there was an active and conscious political participation by the people of the Eastern Province in the pre-election period but this has been gradually transformed into violent and confrontational political campaign at the end of the pre-election period.

CaFFE observes that the Muslim community of the province have actively and enthusiastically been involved in the pre-election campaigning period, while a number of reported intimidatory political incidents have occurred during this period.

CaFFE observes that as a result of this election severe tensions have begun between the Muslim community and Tamil community, and various political forces have stimulated and aggravated this tendency.

Signed by:

*Nimalka Ferenando*

*Shiral Lakthilka*

*S. G Punchihewa*

*Leerthi Thennakoon*

*Senaka Wattededara*

*Asanka Mahagedaragamage*

*Sudhrasana Gunawardhana*