



PAFFREL STATEMENT (18th DECEMBER, 2014)

BACKGROUND

The sixth Presidential election will be the first held under the 18th Amendment to the Constitution of 2010 which permits a candidate to seek office for a third time. **It has the potential to be both divisive and closely fought as it pits the incumbent President Mahinda Rajapaksa against the former General Secretary of the ruling party and member of the cabinet of ministers, Maithripala Sirisena**, who emerged as the joint candidate of most of the major opposition parties. There are only two major candidates, as the balance 17 candidates are of little political consequence. This vitiates the importance of the second preference vote, as few of them are likely to be cast.

PAFFREL along with other election monitoring organizations has been formally monitoring the election process from the time that the President issued a notification on November 19 that an early presidential election would be held. However, PAFFREL had already commenced its preparations to monitor the elections, as there was widespread speculation even before this notification that early presidential elections would be held.

ELECTORAL BASE

The number of eligible voters at this election is 15,044,490. Of them as many as 400,000 are estimated to be without official ID cards. There are efforts underway by monitoring organizations, including PAFFREL, on the request of the Elections Commissioner, to provide ID cards to at least 40,000 prior to the elections. Others will be urged to obtain temporary IDs that will gain them the ballot.

PAFFREL EFFORT

The monitoring of elections is important as it acts as a deterrent on the violation of the election process and the abuse of power. The PAFFREL monitoring effort is two-fronted. The first is the direct effort and the second is through collaborative arrangements with partners.

In its monitoring effort, PAFFREL will be deploying of 11,200 Stationary Observers, 335 Long Term Observers, 1640 Mobile Observers in 360 teams, 1000 Stationary Observers for Postal Voting, and 35 Mobile teams for postal voting.

Other Arrangements include instituting legal action, which is being done with volunteer lawyers associated with PAFFREL. No legal action has been instituted by PAFFREL so far. However this is an option that will be made use of when necessary. PAFFREL will also facilitate continuous engagement between monitors, IGP, Elections Commissioner and members of the Human Rights Commission.

Another important aspect of PAFFREL's monitoring is through community mobilization, especially religious leaders. There will be a meeting on 19th December 2014 with 600 key civil society and religious leaders to mobilize them as community peace keeping groups. There is already agreement with some religious leaders to involve their membership countrywide in PAFFREL's mobile monitoring efforts.

A major initiative will be the implementation of strategic partnerships with associations representing the business sector, trade unions and civil society. There will be increased visibility and presence of these groups on the ground, in the run up to and on Election Day. PAFFREL will also engage with the



Commissioner of Elections, Inspector General of Police, the Human Rights Commission, Bribery Commission and Auditor General's Department on a regular basis.

PAFFREL is also engaged with key sectors at local level too to ensure a violence-free election. This effort commenced with a meeting with religious leaders and key politicians at district level to work towards a violence free election in Galle and Kandy.

PRELIMINARY OBSERVATIONS

A total of 336 violations (including acts of violence) were noted as at midnight yesterday based on complaints relating to 289 incidents. Of these violations, 290 are verified. It is to be noted that a single incident can reflect a number of violations as classified by PAFFREL in terms of electoral laws and the regular law of the country. In relation to incidents of violence 73 violations are verified and six unverified. On state resource abuse there are 76 verified violations and 15 unverified complaints. This category includes the use of state resources and employees for election purposes, the appointment and or transfer of public service officers and the use of state officers in campaign activities. The third category of violations, which includes damage to and/or arson attacks on political party offices and disruptions to rival campaigns recorded 141 verified violations and 25 unverified complaints.

PAFFREL is pleased to note that nearly all the posters and cut-outs that were on virtually every street corner of Colombo City have been removed after the protests made against them by civil society and political parties. We particularly appreciate the effort taken by the Bar Association in this regard. We also commend the actions of the police under the guidance of the Elections Commissioner in this effort. This is a positive sign of the strengthening of state institutions vested with the power to ensure that the election law is followed. We as election monitors are determined to ensure that this salutary practice will be extended to other areas as well. However, election-related posters and cut-outs are still on display at other locations – towns outside of Colombo, which remains a concern.

The last week witnessed a diminished number of violent incidents, which is a positive trend and needs to be sustained. However, other circumstances indicate that this could be a temporary respite. The possibility of violence increasing significantly towards the end of the campaign, just before the poll, needs to be guarded against.

SPECIFIC OBSERVATIONS

1. ABUSE OF STATE RESOURCES

PAFFREL notes the following abuses of state resources

- Welfare support being given to coincide with elections.

E.g. A special Samurdhi allowance to recipients countrywide.

The distribution of Samurdhi cards to new beneficiaries in Galle.

Drought assistance to farmers in Trincomalee and Seruwawila.

Seed paddy to farmers in Polonnaruwa District.

Distribution of water motors, sewing machines and agricultural equipment in the North.



The distribution of kitchen equipment in Galle, Ratgama.

- Gifting equipment & providing vehicles at concessionary rates targeting the election.
E.g. Mobile phones to pensioners (This was suspended following the intervention of the Elections Commissioner)
Motorbikes at concessionary rates to state sector employees.
- Use of state vehicles for election purposes
E.g. Use of over 1000 SLTB for UPFA rally in Anuradhapura on December 11, 2014.
Use of over 500 buses for UPFA rally in Panadura on December 15, 2014.
Use of vehicles belonging to Fisheries Corporation to transport posters of UPFA candidate.
- Use of state premises as campaign offices and for campaign purposes. State premises have been used to hold campaign meetings and display cutouts.

2. USE OF STATE SECTOR EMPLOYEES AND PRISON INMATES AS LABOUR FOR CAMPAIGN PURPOSES

- Use of state employees, especially labour grade employees in state authorities for campaign purposes.
E.g. Use of labour grade employees in the Road Development Authority to paste posters.
Use of prison inmates to construct the stage and prepare decorations for a campaign meeting in Akuressa.
- Directing state sector employees to actively promote and campaign for UPFA candidate. Employees of state sector Boards & Authorities are especially susceptible.
E.g. Deployment of Youth Service Officers for campaign purposes.
Detailed instructions to a SLTB dept office by trade union head on campaigning for the UPFA candidate.

3. UTILISING STATE EVENTS FOR CAMPAIGN PURPOSES

This has been a main component of the UPFA candidate's election campaign. State events have been utilized to showcase and campaign for the election.

- E.g. Opening of a housing complex in Salamulla.
Grant of Mahapola university allowance.
Opening of public *pola* at Embilipitiya.

4. MAKING TRANSFERS IN & APPOINTMENTS TO KEY PUBLIC SECTOR INSTITUTIONS



E.g. **Police:** Approximately 500 transfers made by newly appointed Secretary to the Ministry of Law and Order without proper consultation with the IGP immediately prior to the declaration of elections. Even after elections were declared, a few transfers were made.

Teaching appointments: 210 persons were absorbed into the state education sector.

Youth: There was an attempt to appoint Sports Officers by the Sports Ministry, which was suspended following the intervention of the Elections Commissioner.

5. RESTRICTION OF CAMPAIGN SPACE FOR NEW DEMOCRATIC FRONT CANDIDATE

E.g. Some local authorities under UPFA control are denying access to public venues – Ruwanwella and Akuressa Pradeshiya Sabha and Thalawa Public Stadium.

Disconnection of power supply to NDF candidate's campaign meeting in Kotmale and obstruction of vehicles carrying attendees.

Disruptions to NDF meeting at Gampaha.

Alleged death threats reported by UNP Kandy district politician Chithra Mantilleke.

6. ABSOLUTE UTILISATION OF STATE MEDIA FOR THE ELECTION CAMPAIGN OF THE UPFA CANDIDATE

There is a high level of utilisation of state media for the UPFA candidate's election campaign which far outstrips the coverage given to the opposition.

7. SPONTANEOUS AND ORGANISED VIOLENCE

Violence ranged from an attack with an explosive to incidents of grievous assault to shooting and threats and intimidation with firearms. However, there seemed to be a downturn in incidents last week, but it is uncertain whether this trend will continue. The prospect of violence rising closer to Election Day has to be guarded against.

E.g. Grievous assault - In Thalawa a youth celebrating the declaration of the NDF candidate was assaulted by the Chairman of the Thalawa Pradeshiya Sabha T M Indika Udaykumara (UPFA) and others with an axe and poles.

A UPFA campaign supporter was assaulted at the campaign office in Weligalle, Peradeniya.

Shooting - An unidentified gunman fired at a group of people lighting crackers to celebrate the declaration of the NDF candidate.

Attack on Campaign Office - A UPFA campaign office in Hambantota was attacked causing damage to the premises.

SUCCESSFUL INTERVENTIONS



PAFFREL

- Direct interventions through state institutions.
 - IGP: Successful in halting the transfer of 10,000 Police officers.
 - Elections Commissioner: Suspension of the appointment of Sports Officers during campaign period; limitation of the use of SLTB buses to transport election rally participants and the call to account for buses utilized from Ratnapura and Embilipitiya depots for this purpose.
 - Preventing state officials from conducting election related meetings (violating election laws) at Divisional Secretariat Offices in Opanyaka, Weligapola and Godakawela.
- Exposure in media.
 - Deployment of RDA employees countrywide to paste posters for UPFA candidate was suspended following PAFFREL reports to the media.

PUBLIC APPEAL

The role of the public in an election extends beyond the exercise of franchise. It is also the protection of that franchise by securing the environment for a free vote. There is a need therefore for the public to be engaged with the effort of monitors to ensure that the election itself and also its campaign process are free and fair. Therefore we urge the public,

1. To use your vote.
2. To meet with your local *Grama Niladhari* to obtain a temporary identification if you do not have an appropriate identification, i.e. National Identity Card , Driving Licence, Passport, Religious Identity Card, Pension Identity Card, Senior Citizen Identity Card or a temporary identity card issued by the Elections Commissioner for the 2013/14 Provincial Council elections.
3. Do not engage in or support acts of violence or violations.
4. To report to the Elections Commissioner and monitoring organizations, any election-related violation in your area.