

PAFFREL

2015 Presidential Election First Interim Report

(30th December, 2014)

BACKGROUND

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 20 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.

With a week to go for the Presidential Election, nearly a million people in 18 districts are displaced. This is a serious concern as voter participation can be affected. However, so far, no request has been made by any political party to postpone the election in view of the mass displacement. The Elections Commissioner is scheduled to meet with party representatives and state officials in the next few days to discuss how to provision for displaced voters.

POSTAL VOTING PERIOD

Two days of Postal Voting for the 2015 Presidential Election ended on 24th December 2014. An additional day, December 30th, was appointed for those who missed out the first two days of postal voting.

Postal Voting ended with only a few incidents being officially reported to PAFFREL.

The general incidents reported during Postal Voting related to Intimidation of Voters, Threatening & Disrupting the work of Election Monitors, Use of State Vehicles for Election Campaign Purposes, Attempts/ Influencing State Officials and the Use of State Sector Officials for Elections Purposes.

During the period of postal voting, there were a total of 12 complaints received. Of these, six incidents were confirmed by the end of day on the 25th. Of the six confirmed complaints, two are related to Grievous Assaults where both individuals have been hospitalized. These incidents were reported from Gomarankadawala in the Trincomalee District and Deniyaya in the Matara District.

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. In this situation too, the prevalent weather conditions are likely to negatively impact on the issuance of NICs.

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 is deploying 11,200 Stationary Observers, 335 Long Term Observers, 1640 Mobile Observers in 360 teams, 1000 Stationary Observers for Postal Voting, and 35Mobile teams for postal voting. PAFFREL will be placing observers in 100 counting centres, of the total 1250 centres located countrywide.

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.

OBSERVATIONS

A total of 565 violations (including acts of violence) were noted as at 30th December 2014 based on complaints relating to 556 incidents. 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 162 violations are verified and 10 are unverified. On state resource abuse there are 147 verified violations and 32 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 247 verified violations and 58 unverified complaints.

MONITORING HIGHLIGHTS

1. In comparison with the **2010 Presidential Election**, where the total violations for the entirety of the campaign period (40 days) was **572**, the tally for the **current election** (as at 30th December 2014) is **565**. This reflects a trend towards **greater violations** in this election. The **number is likely to rise** significantly in the coming week.
2. There have been arrests of those engaging in violence in the past several which is a positive feature of interventions by the Elections Commissioner and the Police and could act as a deterrent on any spike in violence.
3. **Abuse of State Resources** for Election Purposes has **tripled** in comparison to the **2010 Presidential Election**. In 2010, the **total** number of violations relating to abuse of state resources was **53**. In comparison, the tally for the **current election** stands at **147**, with one week to go for elections. The abuse of state resources for election purposes at this election seems to be **well organised and systematic**. It is essentially two-fold: the first being, the utilization of existing **welfare provisions** such as Mahapola and Samurdhi for campaign purposes; second, the provision of **special welfare benefits** i.e. mobile phones to pensioners, **to coincide with the Presidential Elections**.
4. Increasing **direct involvement** of elected members of **sub/ national government** in assaults on **opposition campaign** supporters. What was significant about these assaults was that they were carried out in **clear public view** on groups engaged in non-violent campaign activities i.e. attack on New Generation Artistes in Wariyapola in Kurunegala District, where a UPFA Provincial Council member was directly involved. The attacks, as evidenced by the **degree of virulence**, appear to have been intended, **not merely to disrupt**, but to **stop similar campaign activities**.

ANALYSIS OF ELECTION VIOLATIONS (As at 30th December 2014)

(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.)

OVERVIEW OF PRESIDENTIAL ELECTION 2015

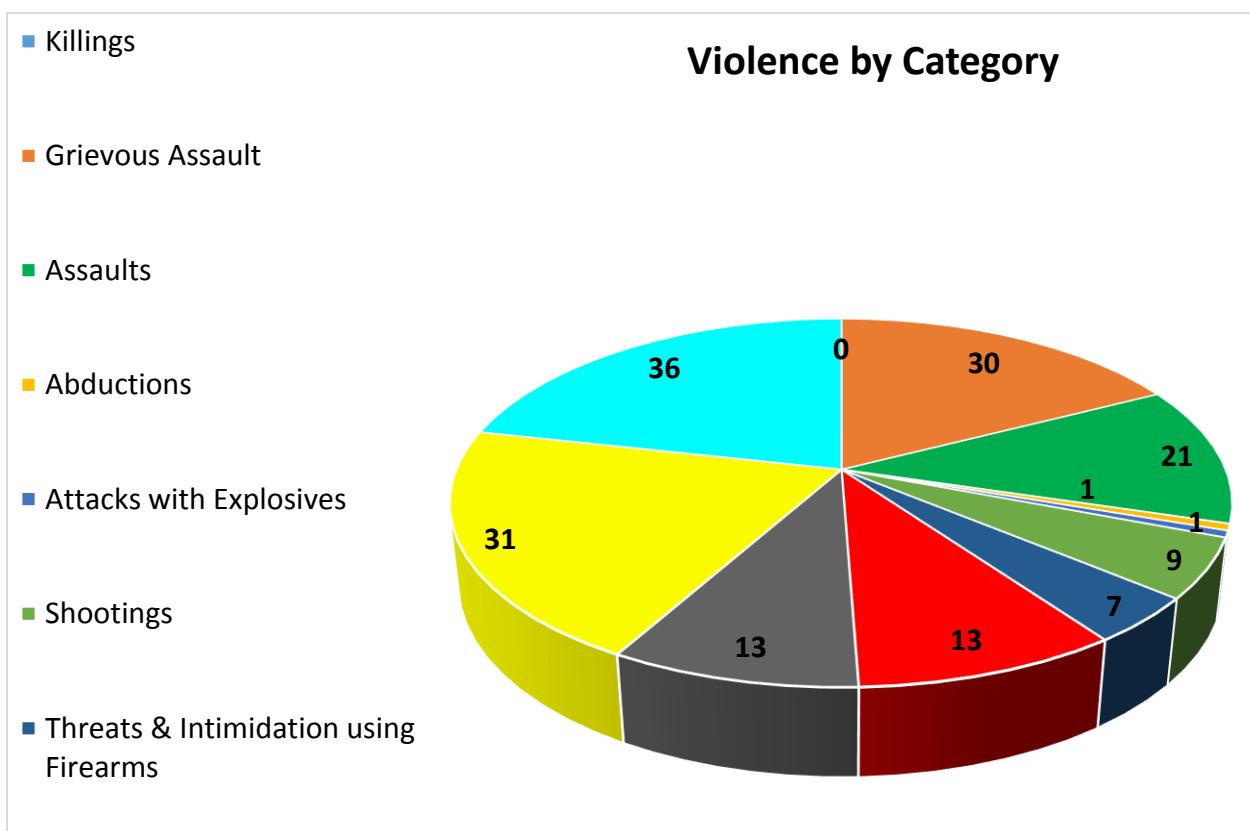
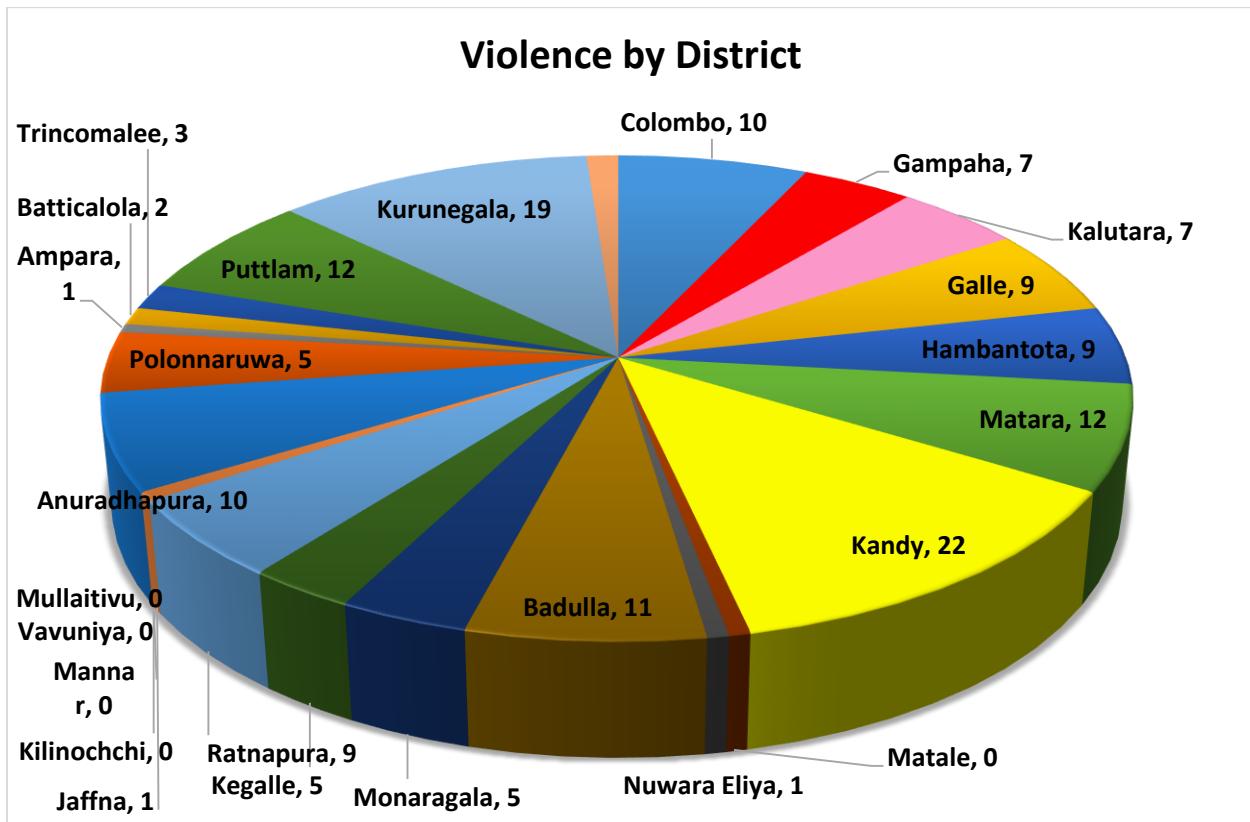
An analysis of the data up to 30th December 2014, shows a rise in both incidents and violations with the total number of incidents rising to 565 with 556 confirmed Electoral Law/ General Law violations being recorded. A total of 100 unconfirmed violations have also been reported during the period under consideration. The Western Province and Southern Provinces reported 95 and 91 confirmed violations each. In the Western Province, Colombo and Gampaha have recorded 41 and 32 incidents each. In the South, Matara recorded 41 incidents and Galle recorded 33. In North Western Province, which had 79 violations, the Kurunagala District recorded 57 violations while Puttalam recorded 22. The Uva Province recorded 54 confirmed violations with Badulla recording 42. The North Central Province recorded 48 violations with Anuradhapura recording 35 violations. Sabaragamuwa and Eastern Provinces have recorded 46 and 39 incidents while the Northern Province still remains with the lowest number of incidents at 12. In Sabaragamuwa, Ratnapura has 30 recorded incidents while in the Eastern Province, Trincomalee has 18 incidents.

COMPARISON WITH PRESIDENTIAL ELECTION 2010

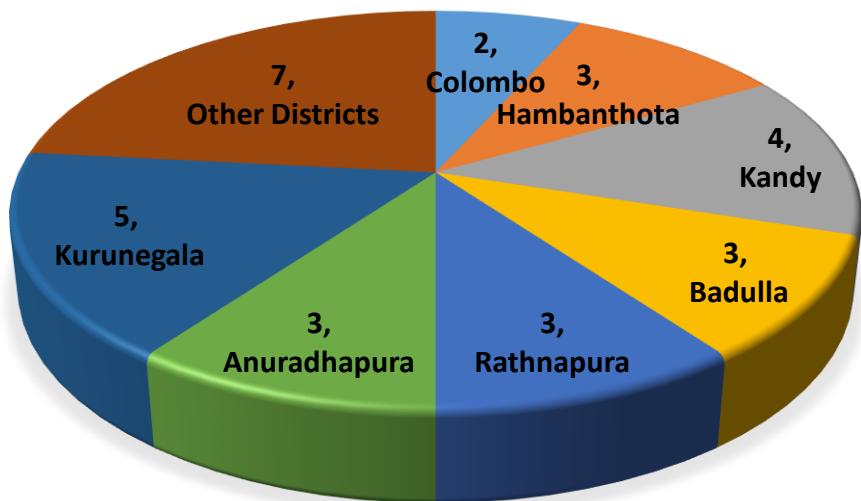
During the 2010 Presidential Election, where the incumbent President contested for his second term, the total number of confirmed complaints reported for the entirety of the pre-election period of 40 days, was 572 confirmed violations. With unconfirmed violations this figure rises to 757 (the total figure of 757 includes 21 violations which were recorded during the 24-day period between the President's announcement of his wish to hold elections and the declaration of the actual Election Day by the Commissioner of Elections). Already in this election, with 9 days to Election Day, the number of confirmed violations have passed 550. Considering the pre-election period of 47 days, of which this report covers 39 days, the intensity in the number of violations up to now is fairly high. In 2010, a total of 4 killings, 127 election related assaults (both grievous and non-grievous), and 18 shootings were recorded. In this election, no killings have been recorded so far, but 30 Grievous Assaults and 21 Assaults have been recorded to date. Furthermore, in contrast to the 53 instances of misuse of state resources recorded in the 2010 Presidential Election, already a total of 147 incidents of state resource abuse have been recorded as at December 30th 2014, in the 2015 Presidential Election. Therefore it is evident that the misuse of state resources is the single biggest violation in this election, with a 3-times increase compared to 2010.

VIOLATIONS RELATED TO VIOLENCE (As at 30th December 2014)

In terms of types of violations, a total of 162 confirmed violations have been reported in the Violations Related to Acts of Violence category (which includes Grievous Assault, Assault, Threats & Intimidation using firearms, Damage to Movable and Immovable Property etc.). The North Western and Southern Provinces have 31 and 30 violations each recorded in this category, and the Western Province has 24 violations related to the same category. The Central Province has 23 violations, whilst Uva and Sabaragamuwa have 16 and 14 violations each. The Northern Province has the lowest number of violations in this category with 1 recorded. In this category, 2 incidents that relate to the entire island have been recorded. In this category, Grievous Assaults and Assaults show 30 and 21 confirmed instances recorded whilst deliberate acts of violence on party offices categorized under Attacks on Political Party Offices/ Candidate Offices show 36 confirmed instances.

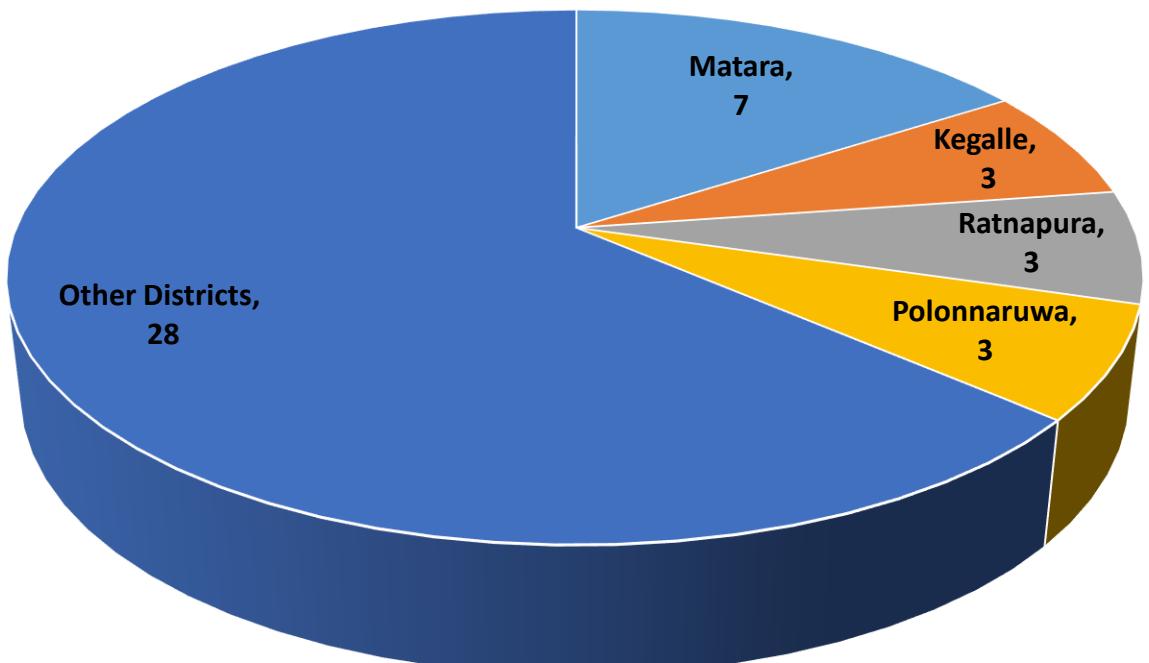


Grievous Assault by District



Kandy district is the worst affected by election related violence, as at 2 pm December 30, 2014. According to confirmed data, the most number of violations related to violence (22) are reported from the Kandy district. It is not merely the high aggregate that makes Kandy the most violent district, but also on account of the nature of incidents reported. Kandy also reported the highest number of assaults (8) including four grievous assaults and two attacks (arson and/ damage) on campaign offices. Kurunegala is a close second with a total of 19 violations including five grievous assaults. Of the other districts Colombo (2), Gampaha (2), Galle (1), Hambantota (3), Matara (1), Badulla (3), Kalutara (1), Kegalle (1), Ratnapura (3), Anuradhapura (3) and Trincomalee (1) reported at least one incident of grievous assault. A total of 48 hospitalisations were also reported during this period.

Attacks on Political Party Offices by District



Matara district stands out in relation to attacks (physical damage and arson) on campaign offices, recording seven such violations. This violation is serious in that it is premeditated. Of the other districts Gampaha (1), Kalutara (2), Galle (2), Hambantota (1), Kandy (2), Badulla (2), Moneragala (1), Kegalle (3), Ratnapura (3), Jaffna (1), Anuradhapura (1), Polonnaruwa (3), Batticaloa (2), Trincomalee (2), Puttlam (1) and Kurunegala (2) reported at least one attack on campaign offices.

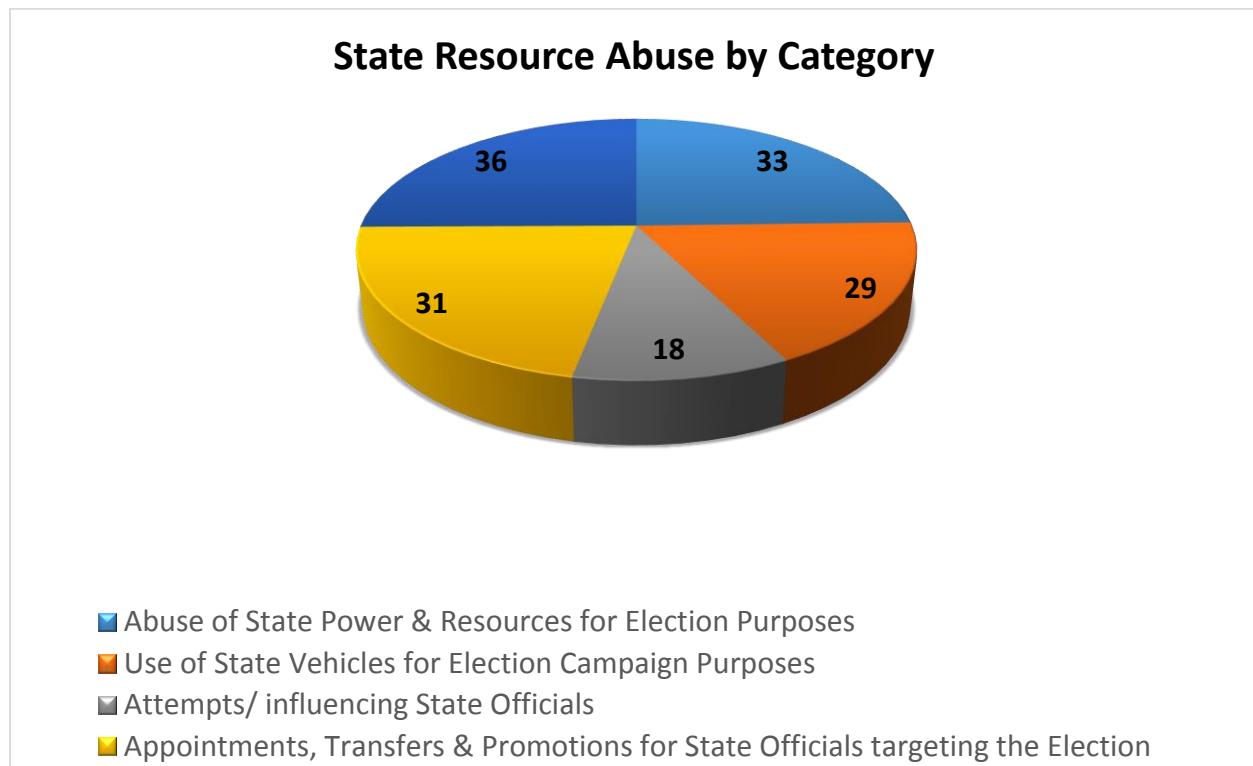
VIOLATIONS RELATED TO ABUSE OF STATE RESOURCES

In the category, Violations Relating to Abuse of State Power, Resources & Misuse of State Sector Employees, a total of 147 confirmed violations have been recorded whilst a further 32 unconfirmed violations are also reported in this category. The Western Province has 26 recorded violations in this category whilst the Southern Province has 20 violations. The Eastern Province has 16 violations, whilst North Western and Uva Provinces have 15 violations each. The North Central Province has 13 violations recorded, followed by the Sabaragamuwa and Central Provinces have 11 and 9 violations each. The Northern Province has the lowest number of violations with only 4 being recorded in this category. In this category, 18 incidents that relate to the entire island have also been recorded.

The incidents summary of electoral violations and violence maintained by PAFFREL shows that the sub category, Abuse of State Power & Resources for Election Purposes comes into top position with 36 confirmed violations followed by the sub category, Use of State Officials & Security Sources for Election Campaign Purposes in second place with 33 confirmed violations recorded. The sub category, Appointments, Transfers & Promotions for State Officials targeting the Election has a total of 31 violations recorded. This is followed by Use of State Vehicles for Election Campaign Purposes which has 29 recorded violations. Attempts/ influencing State Officials remains at the bottom of the list with 18 violations being reported.

The manner of violations is two-fold: the first being, the utilization of existing welfare provisions such as Mahapola for campaign purposes; second, the provision of special welfare benefits i.e.

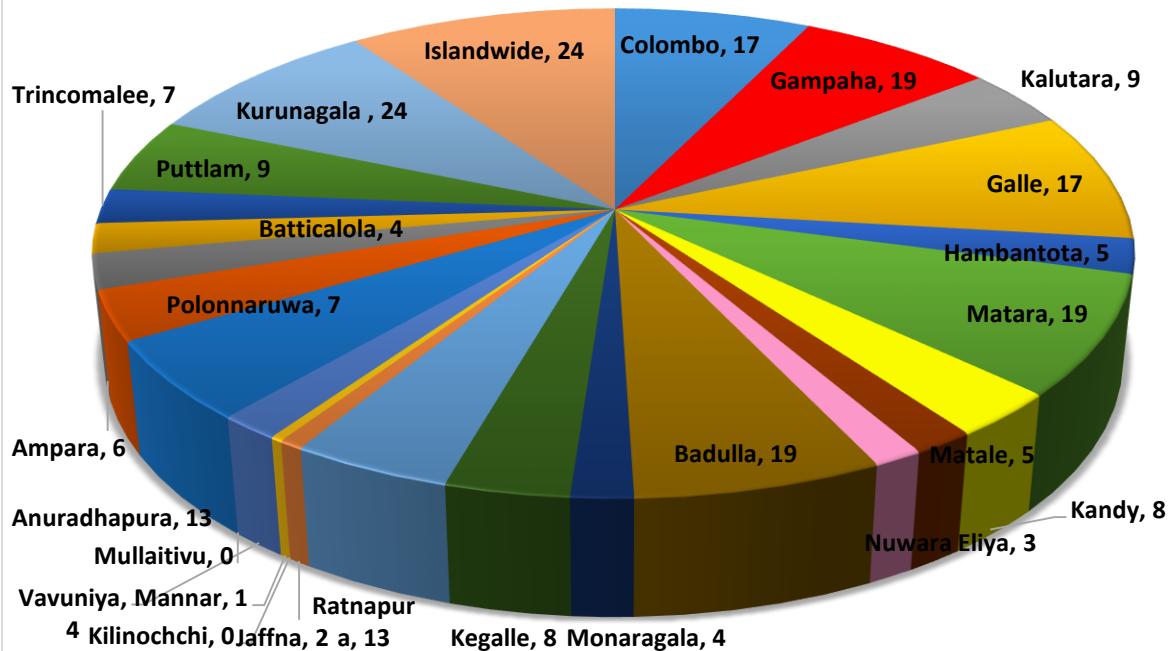
mobile phones to pensioners, to coincide with the Presidential Elections. The abuse of state resources for election purposes at this election seems to be well organised and systematic.



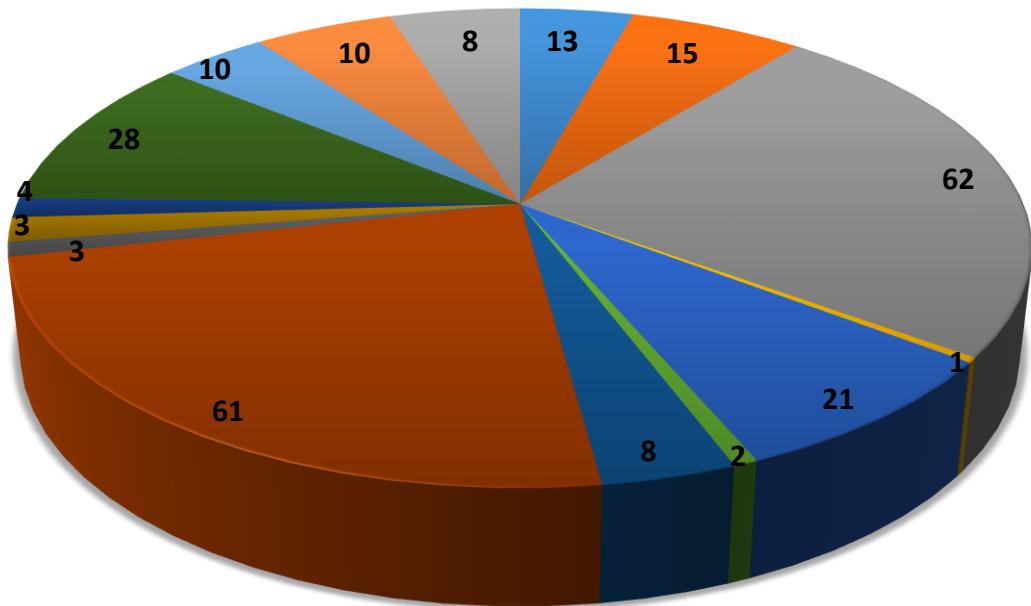
OTHER VIOLATIONS

The Other Violations category, which includes Carrying out Illegal Election Propaganda and Giving Incentives with Political Objectives, has 247 confirmed violations. In this category, the Western Provinces and Southern, have 54 and 41 recorded instances. In the West, both Gampaha and Colombo Districts have 19 and 17 violations each whilst in the South, the Matara and Galle District have 19 and 17 violations each recorded. In third place is the North Western Province with 33 confirmed violations and the highest individual amount with 24 instances is recorded from the Kurunagala District. In this category, Carrying out Illegal Election Propaganda has 62 confirmed instances recorded and Giving Incentives with Political Objectives has 61 instances recorded. A total of 24 instances of island wide violations in the Other Violations category have been recorded as at 30th December 2014.

Other Violations



Other Violations by Category



- Destruction & sabotage of decorations, posters & cutouts of political parties.
- Disrupting Campaign Activities of Opponents
- Carrying out Illegal Election Propaganda
- Threatening & Disrupting Work of Election Monitors
- State Officers acting in Favor of Political Parties & in Breach of Official Duties
- Carrying out Unlawful Meetings & Processions
- Maintaining Illegal Party Offices
- Giving Incentives with Political Objectives
- Using Vehicles without Number Plates
- Favouritism & Misuse of State & other Media
- Attempts to Influence/ Influencing by Security Sources & State Officials
- State Sponsored Livelihood Grants & Allowances Manipulated for Election Purposes
- Carrying out Election Campaign Activities Harassing & Inconveniencing the General Public
- Intimidating Voters
- Other Incidents

ACTUAL EXAMPLES OF VIOLATIONS

Incidents of violations reported to PAFFREL are highlighted below. This section is intended to illustrate the actual violations that take place in highlighted categories.

1. ABUSE OF STATE RESOURCES

PAFFREL notes the following abuses of state resources:

- Welfare support being given to coincide with elections.

As at 31-12-14

- Relief to flood victims in Ampara.
- Gifting sarees to Samurdhi recipients in Beruwa and Kalutara.
- Donation of shoes to children of Samurdhi recipients in Kamburupitiya, Matara.
- Monetary rewards to sportsmen/ women in Puttalam.
- Distribution of chicks for poultry farming, water motors and agricultural machines in Ganewatte, Kurunagala.
- Special allowance of Rs. 2500 given to Samurdhi recipients in Vavuniya and Kilinochchi.

As at 18-12-14

- 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.
-
- Directing welfare recipients to support a particular candidate.

As at 31-12-14

- Samurdhi recipients in Mullaitivu were threatened with the withdrawal of their Samurdhi allowance unless they attended a rally supporting UPFA candidate.
 - Samurdhi recipients in Mahava, Kurunegala were instructed at a special meeting to support the UPFA candidate.
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- Gifting equipment & providing vehicles at concessionary rates targeting the election.

As at 31-12-14

- Donation of sewing machines and spectacles in Eheliyagoda, Ratnapura.
- Donation of equipment in Pollonnaruwa.
- Distribution of wheelbarrows in Wennappuwa.

As at 18-12-14

- 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

As at 31/12/14

- Use of 122 SLTB buses for campaign meeting held in Balapitiya, Galle on December 25, 2014.

As at 18-12-14

- 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.
 - Use of premises belonging to Matale Divisional Secretariat as campaign office for UPFA candidate.
 - Use of Uva Provincial Council Auditorium for election campaign meeting despite instructions by Elections Commissioner to the contrary.

2. USE OF STATE SECTOR EMPLOYEES FOR CAMPAIGN PURPOSES

- Use of state employees for campaign purposes.

As at 31-12-14

- Use of Youth Service Council employees to distribute election propaganda material.
- Continuing use of employees of Dehiwala/ Mt. Lavinia Municipal Council for election campaign purposes.
- Local level Economic Officers in Tangalle, Hambantota deployed to campaign for the UPFA candidate on the instructions of the *Nil Balakaya*.
- Use of military personnel to prepare propaganda booklet. Distribution of this booklet was stopped by the Elections Commissioner.
- Use of Prison Officers in Ratnapura.
- Use of local level Economic Officers and Samurdhi Officers in Ganewatta, Wariyapola and Hiriyala in Kurunagala to campaign for the UPFA candidate.

As at 18-12-14

- 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.
 - 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.

As at 18/12/14

- 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

As at 31-12-14

- Local Government Authority: Confirmation of appointment of 300 temporary employees of the Kandy Municipal Council.
- Teaching appointments: Appointment as assistant teachers in Aranayake, Kegalle.

As at 18-12-14

- 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

- Some local authorities under UPFA control are denying access to public venues – Ruwanwella and Akurella 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.

As at 31-12-14

- Grievous assault: Attack on New Generation Artistes campaigning for the NDF candidate in Wariyapola in Kurunegala District.
 - Attack on NDF candidate office in Diyaganwala, Mahiyangana, following which five persons were hospitalized. This number included, a former Army Colonel, disabled in the war, who suffered grievous injury.

- Attack on party office of UPFA candidate in Kollonna, Ratnapura.
- Attack on UNP Headquarters in Kotte, Colombo.
- Attack on group of artistes campaigning for NDF candidate through street drama in Hambantota.
- Attack on meeting attended by opposition leader in Diyatalawa, Badulla.
- Attack on UPFA supporter's residence, with improvised explosive in Mahava, Kurunagala.

As at 18-12-14

- 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

- Direct interventions through state institutions.

As at 31/12/14

- Elections Commissioner: Following a communique to the Elections Commissioner, a planned campaign event at the Uva Chief Minister's official residence targeting public officials was abandoned.
- IGP: Successful in ensuring the removal of cutouts and banners at the Badulla Bus Depot and the Governor's Office.

As at 18/12/14

- 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 Opanayaka, Weligapola and Godakawela.

- Exposure in media.

– Deployment of RDA employees countrywide to paste posters for UPFA candidate was suspended following PAFFREL reports to the