

Auszüge aus dem Abschlußbericht der Beobachterdelegation aus den Ländern der südasiatischen Staatengemeinschaft (SAARC). Die Delegation befand sich während der Präsidentschaftswahlen im Dezember 1988 in Sri Lanka:

PRESIDENTIAL ELECTION OF SRI LANKA

DECEMBER 1988

REPORT OF NON-GOVERNMENTAL OBSERVER GROUP FROM SAARC COUNTRIES

SUMMARY OF DIRECT OBSERVATIONS BY THE GROUP AND OF COMPLAINTS AND REPRESENTATIONS RECEIVED

This Chapter sets out in Parts A and B respectively a summary of:

- (A) Direct observations of the Group.
- (B) Complaints and representations received by it.

A. DIRECT OBSERVATIONS OF THE GROUP:

As indicated above, the Group divided into five sub-groups to observe the election process in ten electoral districts throughout Sri Lanka. The Group covered 31 electoral divisions and visited 129 polling stations. Their observations are set out below:

1. Security Environment

1.1 The Group was impressed by the determination with which the authorities responsible for the management of the election and for the security of the people pursued their obligations to complete the election process under most difficult conditions arising from violence and threats of violence in many parts of the country.

1.2 The security personnel, especially the Army, made impressive efforts to counter the threat of the "militants", a term used currently in Sri Lanka for the Janatha Vimukthi Peramuna (JVP) and associated groups, and the Liberation Tigers of Tamil Eelam (LTTE) running a violent campaign to subvert the election. In many places visited by the Group, including Jaffna in the North and Matara in the South, the Army Co-ordinators emphasized that they considered it their special duty to urge the voters to go and vote. In fact, on election day the Group noticed one or two instances of Army personnel actually following this process. This was so in the Jaffna and Matara districts.

1.3 It was also emphasized to us, however, that various types of violence, sabotage and general disorder were continuing. There was a consensus in Sri Lanka that as the Presidential Election approached, the daily reported death toll from political violence was averaging at least 20 per day. In many places, the Police authorities themselves informed us of incidents encountered by, or reported to, them. In Matara, for example, the police personnel informed the members of the Group that, on the night of December 17, 1988, (i) two polling booths in Kamburupitiya District - one at Horapawita and the other at Batauwele - were burnt down, (ii) the Magistrate's Court in Deniyaya Division was burnt down, and (iii) besides these three cases of arson, there were eight murders and several cases of roadblocks and other acts of sabotage reported from mid-night to afternoon, the next day. Similar incidents were taking place in many parts of the island as widely known, and reported by the media. Violence continued in some areas up to election day itself, as stated later in the report.

1.4 Despite their best efforts, the election officials and security personnel whom the Group met on several occasions and in different places were, on the eve of the election, apprehensive of the effect which the environment of terror and violence might have on the turn-out of the voters on polling day. The Group was unequivocally told that the election

was being conducted under unprecedented conditions of a "fear psychosis". The authorities were also quick to emphasize that the concerned agencies of the Government including the Army were being fully geared and kept ready to respond to any untoward happenings and to see the electoral process through as effectively as possible. The Group also observed that there were many incidents of violence, threats, and other acts of coercion directed against election officials, political workers and voters during the run-up to, and right through, the election. Some members of the Group found themselves close to such incidents in the field when they visited the districts.

1.5 The breakdown in law and order had been accompanied by a marked increase in the military presence in many important areas of public life, including public transport, shipment of fuel and district administration in a number of districts. This took an extreme form in the Northern and Eastern Provinces where the Indian Peace Keeping Force (IPKF) was responsible for the maintenance of law and order. Though prospects for peaceful election had improved in the Northern and Eastern provinces after the Provincial Elections, armed clashes between the IPKF and the LTTE continued in several parts of the region.

1.6 The LTTE had its southern counterpart in the JVP which, as explained in Annexure III of this report, represented militant Sinhalese youth who, having forsaken electoral exercises and parliamentary methods were actively engaged in subverting the election in the South and some other parts of the country outside the Northern and Eastern provinces. The two militant parties shared a common interest in opposing the election which was regarded by both as irrelevant to their political goals.

1.7 The Group observed that a feeling of insecurity was wide-spread in the country. In several parts of the country rumours - sometimes backed by public posters and leaflets - were afloat that anyone who participated in the election by voting or even by assisting in the organisation of an election meeting would be summarily executed. In the Southern Province, the people were living in an environment of deep fear and tension amidst recurrent murders and other violence. Similar violent acts were also reported in Matale in the Central Province and in Badulla in the Uva Province. There were also apprehensions that the law and order situation in the Kurunegala District in the North Western Province was not conducive to a peaceful electoral exercise - an apprehension not belied by subsequent events.

1.8 The law and order situation was further complicated by allegations and counter-allegations that some of the violence and public disorder had been engineered by one or the other of the major political parties themselves contesting the election to serve their political interests. Some security officials told some members of the Group that the JVP could not be controlled effectively only because the two main parties appeared to be keen on putting on the JVP the blame for the violence of each other. Besides the JVP, other groups such as "PRRA" had emerged to contribute to the general campaign of violence and terror. The operations of the Special Task Force (STF), the National Auxiliary Force, Home Guards and other paramilitary forces added to the controversy in respect of the source and the motive behind the violence and coercion.

1.9 The Group's repeated attempts to find out from the affected people directly the source of threats left a very unclear picture. Most people in the South, who were willing to talk, said that several different groups were behind the threats but they could not say who these groups were.

2. Pre-Poll Assessment

2.1 The prevalent sense of insecurity, fuelled by recurrent instances of violence and other disturbances, adversely affected the setting for a free and fair election in many ways. First, the election had to be held under the prevailing emergency laws. Some political personalities who would otherwise be campaigning for their respective candidates continued to be under detention. Since violence continued unabated even with the emergency law, the real or perceived threat of violence haunted, and actual violence affected, the election campaign of all three Presidential candidates. The imposition of curfews, both official and unofficial ("unofficial" curfews were imposed by the "militants") restricted the attendance at election meetings. The crippling of the transport system by saboteurs who burned buses and destroyed railway lines reportedly also had an impact on attendance at election meetings. This became a serious problem for candidates and their political agents who usually depended upon their potential supporters arriving from distant places when an important election meeting was organised in a particular location.

2.2 Secondly, the political parties contesting the Presidential election faced personnel constraints in organising their campaigns and recruiting organisers and polling agents. In some Provinces, a number of organisers of some political parties resigned after closing down their local party offices under the threat of death. The offices, residences and election

meetings of political parties and workers were regularly attacked. The Vice-President of the political party of one of the candidates died when its political rally was attacked by gunmen.

2.3 Thirdly, and most importantly, the voter turn-out was bound to be severely affected by the campaign of intimidation and the breakdown of administration and utilities in a number of districts. It could have done little to instill confidence in the voters in those districts despite the best efforts of the authorities concerned.

2.4 Finally, the task of setting up the election machinery itself became extremely difficult. The district administration was partially paralysed in a number of districts. As a result, the setting up of the polling stations, the training of election officers and management of other aspects of the electoral process, such as the distribution of the polling cards, suffered. The presentation of the polling cards was not mandatory for the issuance of ballot papers to the voters. But the distribution could have had a positive psychological effect on reluctant voters, apart from facilitating the task of the Presiding Officers in the polling stations.

2.5 Because of the prevalent conditions, Post Offices in several areas were not functioning properly. Several post offices in various parts of the country had been attacked and polling cards awaiting distribution were destroyed. That the militants tried and succeeded in preventing the distribution of the polling cards underlines the importance of these cards to the voters.

2.6 The constraint which the Commissioner of Elections faced in recruiting administrative personnel for the conduct of the election was also an indication of the damage which the militants had inflicted on the management of the Presidential election. The Sri Lanka Administrative Services Association publicly pleaded the case of its members whose lives were in danger. They had been threatened with death should they report for election duties. But their co-operation had to be secured in one way or another. Many government servants reportedly risked their careers and went into hiding. Some resigned from government service altogether. In the Badulla district, the Army Coordinator had to be appointed Government Agent and concurrently became the District Returning Officer. In Matale, the same kind of change had taken place a few days prior to polling day.

3. Administrative Arrangements

3.1 Notwithstanding the difficulties faced by the Commissioner of Elections in setting up the election machinery due to the violence and fear psychosis, the administrative arrangements, as observed by the Group in the polling stations and the counting centres, were by and large satisfactory. The difficulty faced in getting the staff deputed, government servants to turn up for duty on time, the last minute replacements and similar factors did affect, in the Group's view, the quality of personnel manning the polling stations adversely. In many cases the officials had no previous experience in such duties and had not been given adequate training. Also, many polling stations visited by the Group did not have the full strength of the administrative staff as planned. This was the case especially in some polling stations in Matale, Anuradhapura, Colombo, Matara and Galle. When the members of the Group reached a polling station in Matale about half an hour before the closing time there was a big rush of voters possibly around 150 clamouring for ballot papers. There was no attempt to organise them in queues or to deal speedily with their cases. The reasons given were:

- (a) Shortage of staff and
- (b) Sudden arrival at a late stage of a large number of voters.

The originally-allocated Senior Presiding Officer had not turned up for duty and consequently the next senior member was deputising. Clearly, he had not been able to cope under this situation. As a result a substantial number of prospective voters were probably denied the right of vote because of 4.00 p.m. being the cut-off hour.

3.2 Some other concerns and issues of an administrative nature which the members of the Group encountered during their visits to the polling stations in the various districts are as follows:

3.2.1 The number of the polling stations and their locations were generally adequate and appropriate, with one exception - in Matale District as explained later. However, a major improvisation was noticed in Jaffna where the original 467 polling stations were clustered into 158 groups. This was done for reasons of security and administrative convenience. It was inevitable that this would cause considerable inconvenience to the voters who would

have to travel long distances to cast their votes away from their usual polling centres. The problem was aggravated by the breakdown of public transport services.

3.2.2 The failure to distribute polling cards has already been noted. In some of the polling centres where the voter turn-out was relatively high, the Presiding Officers faced considerable difficulty in getting the polling process to run smoothly. In fact, in one place, the Senior Presiding Officer told the members of the Group that, in the absence of polling cards possessed by voters, he was in a position to clear only five voters in one hour due to the time taken in identifying the voter in the electoral roll. In another place, in Kamburupitiya electorate in the Matara District, the members of the Group actually noticed 6 persons who came to cast their vote but were sent back when their names could not be located in the electoral roll even at the time of the close of poll. In one polling station in Jaffna, the members of the Group noticed that a group of voters, who were not keen to cast their votes, had been pressured to go to their polling stations but were further discouraged by the time taken for identification in the absence of the polling cards and were content to have their fingers marked by indelible ink as evidence of their having voted, even though they had not actually cast their votes.

3.2.3 The morale of the government servants working in several of the polling stations visited appeared to have been affected adversely by the inconvenience they suffered due to difficulties in making proper arrangements for their transport, lodging and meals. In several cases, where the staff in full strength did not turn up, the senior members, including the Senior Presiding Officers, had to do things which would otherwise have been done by clerks or even peons, such as carrying of ballot boxes from the District Returning Office to the respective places where the polling staff spent the night before the polling day. Because in some districts, they were made to spend the night "in clusters" in police stations or some similar places for security reasons, they did not have access to facilities that they expected and would normally have had.

3.2.4 The technical facilities and arrangements for fair polling and counting appeared to be adequate. Here too, there was one exception. Again, because of the security problem most polling stations visited in the Southern Province had improvised booths instead of the usual appropriately-covered cubicles for marking the ballot paper by the voters. In many places, the "cubicle" consisted of a chair turned sideways on top of a desk which provided some space for the voter to mark the ballot paper as he wished. The Returning Officer and the Presiding Officers concerned explained that such makeshift arrangement was made necessary because the polling booths were set-up at the last minute in order to minimize the chances of them being destroyed by the militants.

4. Polling and Counting

4.1 At most of the polling stations visited by the members of the Group, the conduct of polling was generally satisfactory and according to the prescribed procedures. No violation of regulations and established norms was observed except in isolated cases where the members of the Group encountered certain objectionable practices. There was little or no attempt at impersonation, fraud or interference from the law enforcing authorities in the polling stations visited. There was no major complaint on the spot by the polling agents or the voters except the general apprehension about the law and order situation. Minor problems that arose in a few places were settled amicably. The nature of the polling process was affected more by the security environment outside the polling stations than the strength or weakness of the arrangements inside the polling stations. It is pertinent here, therefore, to recall the observations made above on the security environment and relate them to what the members of the Group encountered in, and on the way to, the polling stations. Some of the problems, issues and concerns that the Group observed on the polling day, arising from the security environment and otherwise, are as follows:

i) Some polling stations visited by the Group could not open at 7.00 a.m. as required. Some examples are: PS 28 and PS 30 in Homagama Electorate of Colombo District, PS 21 in Weligama Electorate of Matara District, PS 20 in the same Electorate (this polling station was not visited by the Group, but its members met the Senior Presiding Officer and his staff in a stranded bus behind a road-block unable to reach his duty station on time) and PS 12 in Ratgama Electorate of Galle District. In all these cases, the delay in the initiation of polling was caused by the inability of the polling staff to arrive on time either due to the road-blocks or the late arrival of the security staff who had to accompany them to their places of duty.

ii) A more serious problem was the absence of the polling agents of the candidates in many polling stations visited. Polling agents appointed by the candidates perform an indispensable role in the conduct of a fair poll. It is they who exercise vigilance to see that voter impersonation and other malpractices do not occur and that counting is carried out properly. Yet, the candidates appear to have been unable to have their agents present in the polling station to protect their respective interests in a number of polling stations. In the Jaffna area visited by the Group, there were no polling agents representing any of the three presidential candidates in any polling station. In Batticaloa, the visiting members of the Group saw EPRLF members who claimed that they were representing one of the three candidates. In Matale and Kandy, there was one polling station each with no polling agent

of any party, and in most of the others observed only one party had agents present. In Vavuniya polling agents of all parties were absent in many polling stations. In Matara, most of the polling stations visited had no polling agent of any party while the remaining had the representatives of one party only. In Galle 4 of the 8 polling stations visited had no polling agent, while three of the remaining four stations had agents of only one party.

iii) In the absence of polling agents, the responsibility of preventing impersonation or other malpractices and irregularities fell entirely upon the polling staff. Though many of them appear to have carried out their responsibilities with remarkable courage and integrity, the inability of the Returning Officer of a district visited by the Group to testify even informally that the Senior Presiding Officers in his jurisdiction had carried out their responsibilities properly was understandable.

iv. An irregularity was observed at a polling station in Mahanuwara district. The visiting members of the Group noticed unauthorised persons (a member of Parliament with two guards) inside the polling station. They were freely moving about talking to voters in the queue and to the polling staff. The member of Parliament was actually sitting on a chair near the Senior Presiding Officer's desk, and they left the area as the members of the Group entered the polling station.

v) Though the members of the Group did not themselves encounter any impersonation or other forms of ballot rigging, they were informed of some attempts of such malpractices in certain polling centres. In Devinuwara Electorate of the Matara District, two Senior Presiding Officers reported to the District Returning Office that some "unknown party" came to their polling stations (No.51 and No.38) and asked for ballot papers which had to be surrendered to them under severe threats. As a result, there was stuffing to the tune of 600 ballot papers in one station and 300 in the other. The group was informed by the Presiding Officer that the Commissioner of Elections had intervened in this matter to invalidate those votes. In the same electorate the agent of one political party complained that in five other polling stations (No.8,9,38,41,42) similar incidents occurred, but there was no complaint from the Senior Presiding Officers and consequently no action could be taken by the District Returning Officer. Complaint was also made to the District Returning Officer about stuffing in polling stations No.16 and 17 of Akuressa Division in the same electoral district. This complaint was reportedly made after the results were released. Table I below shows the votes cast in the 30 out of 51 polling stations in that division.

vi) Apart from general intimidation, the visiting members of the Group in some districts were informed of certain instances of questionable behaviour of local politicians holding office. A group of voters in a village in Anuradhapura complained that a group of voters from another village had been prevented from coming to the polling stations by a Deputy

TABLE I

Votes cast in 30 polling stations of Akuressa Division in Matara

Polling Station No.	Votes cast	Polling Station No.	Votes cast
1	0	16	1249
2	0	17	751
3	2	18	8
4	0	19	327
5	0	20	78
6	0	21	286
7	55	22	658
8	303	23	411
9	109	24	241
10	1	25	124
11	87	26	536
12	3	27	239
13	5	28	0
14	11	29	0
15	40	30	269

Minister. Some of the polling stations visited by the Group in Matale were in the vicinity of the residence of a Minister. Complaints were made to the Group that the Minister had used his position to exert undue pressure on potential voters.

vii) There were some cases of violence reported to the Group when ballot boxes were in transit to the counting centres. This happened at Kopay in Jaffna where the driver of the bus transporting the ballot boxes was shot dead by a sniper. In Deniyaya electorate in Matara, a convoy transporting ballot boxes was similarly attacked. The visiting members of the Group were informed, however, that all the ballot boxes reached their destination intact. Apart from these incidents, the counting process ran smoothly and there was no case of dispute or irregularities observed or reported at the counting centres visited by the Group.

5. Voter Participation

5.1 On polling day, it was evident that while the authorities, including the Army, were keen on providing as secure an environment as possible and were occasionally even urging people to exercise their right to vote, the voters in many parts of the country were not confident that they could cast their vote without a risk to their lives and property. In some electorates of Colombo and Gampaha and in certain urban centres, the voters appeared to have overcome their anxieties as the morning of the voting day wore off. However, there was no such warming up in several places in the South. For example, when the visiting members checked at PS No.34 (Godapitiya in Akuressa electorate of Matara) 6 persons had cast their votes. The tally was reportedly the same at the end of the polling. At Ambalangoda (PS No.4) nearly, no voter had cast his vote at that time. The tally of votes remained reportedly nil at closing time also. At Batapola (PS No.16) in Galle district no voter had turned up until 11.35 a.m.; nobody came thereafter either. That the environment was far from secure was also clear from what some of the members of the Group saw when they travelled to several electorates in the country. At various places in Anuradhapura there were road blocks. Some had been just cleared while in one place the road block could not be cleared as a huge tree was lying on the road. There was also extensive damages to electric and telephone poles. At one place at a polling station at Medawachchiya, the members of the Group heard an explosion of a bomb while they themselves were present. At another place nearby, the visiting members of the Group could not proceed to their destination because of reports of shooting and explosions. Explosions were also reported in other areas including the Colombo, Matara and Galle Districts. At one polling station, in the Akuressa electorate of Matara, when bombs had reportedly been exploding in the vicinity, there were no voters at the station. The election officials appeared to be in a state of agitation. In Matara and Galle where the visiting members of the Group travelled over 200 kilometers by road, they encountered, in a large number of places, roads strewn with felled trees, broken poles, and dislocated electric and telephone lines. The security personnel accompanying the members of the Group had to clear the road for passage on some occasions. In spite of that the visiting members could not go through to polling stations in rural Kamburupitiya in the Matara district because of a dislocated electricity pole blocking the road. This was at 3.30 p.m. on polling day. The roads especially in the rural areas were mostly deserted and shops were closed. The polling stations in rural areas e.g. Gonepinuwala, Ampegama, Kahatapitiya, Batapola in the Galle District and Godapitiya and Ambalgode of the Akuressa electorate in the Matara district had no voters when visited. However, voter presence and other activities were definitely more pronounced in urban centres like Galle town and Matara proper. Rather long queues of voters were observed in some polling stations.

5.2 That the voter participation in the election suffered under the circumstances is not surprising though it is certainly disappointing to all concerned. The total voter turn-out in the country was 55.32 per cent of the registered voters. Of the districts visited by the team, the lowest turn-out was in Jaffna followed by Matara and Matale. The two districts with lowest turn-out in the country were Vanni (13.08%) and Moneragala (17.0%). The District-wise Election Results are given in Annexure VII.

5.3 The problem in Jaffna was of a different kind as compared to the rest of the country. Though the area was not free from cases of violence and disturbances perpetrated by groups that did not want the election to run smoothly, the voter's reluctance to exercise their right of vote did not always arise from such threats. The visiting members of the Group observed that the voters in the Jaffna area appeared to be suffering from inadequate interest in the Presidential election. A cross-section of the people interviewed in the area revealed the following reasons for the low turn-out of the voters -

- a) there was a sense of insecurity,
- b) in the past, none of the winning parties had served them properly,
- c) the voters did not understand the policies of the different candidates as there was very little campaigning by any of the three candidates in the districts,
- d) they did not know which polling station to go for voting as they had received no polling cards,
- e) there was no Tamil among the candidates,
- f) they would have to walk a long distance because of the clustering of the polling booths, a problem aggravated by the absence of adequate public transport.

5.4 A voter turn-out of around 55 per cent is not considered low in countries with a tradition of low-voting. There are such countries in the region, and in distant places, including the United States of America, where the voter turn-out has been below 60 per cent at least since 1964, and has never been higher than 63 per cent at least since 1948. But the voter's participation in Sri Lanka has to be judged by the country's own standards and traditions rather than that of other countries, even if they are all functioning democracies. In Sri Lanka, the turn-out around 55 per cent is the lowest in its history as

an independent country. In fact, the only occasion when the voter turn-out percentage was in this neighbourhood was in the 1947 Parliamentary Election when the country registered a voter turn-out of 55.8 per cent. The last three Parliamentary Elections held in the country had voter turn-outs between 82 per cent and over 86 per cent. In the last Presidential Election, 81 per cent of the registered voters cast their votes. Even the 1982 Referendum had attracted 73 per cent of the voters.

5.5 As shown in Table II below the turn-out was substantially lower than in 1982 for all the 22 electoral districts. Moreover, the short-fall in the aggregate was not distributed evenly across the country. In one electoral district namely Moneragala, the turn-out in 1988 was lower than in 1982 by 66.3 percentage points, in another namely Nuwara Eliya, the difference was only of 6.6 percentage points. In 12 of the 22 districts, voter participation was below the national average. In two Districts, the turn-out was less than 20 per cent. In three others, namely, Matale, Matara and Jaffna, it was around or under 30 per cent.

Table II

Difference in Voter turn out on Presidential Elections in 1982 and 1988

Electorate	Percentage Polled.		
	1982	1988	difference (Percentage Points)
Colombo	78.6	68.6	-10.0
Gampaha	84.1	76.1	- 8.0
Kalutara	85.6	64.8	-20.8
Kandy (Mahanuwara)	86.6	68.9	-17.7
Matale	87.1	30.3	-56.8
Nuwara Eliya	86.6	80.0	- 6.6
Galle	83.2	50.0	-33.2
Matara	84.3	23.8	-60.5
Hambantota	82.3	29.4	-52.9
Jaffna	46.3	21.7	-24.6
Vanni	61.5	13.8	-47.7
Batticaloa	71.3	58.5	-12.8
Digamadulla	79.8	72.9	- 6.9
Trincomalee	71.4	53.8	-17.6
Kurunegala	87.2	50.1	-37.1
Puttalam	82.2	71.2	-11.0
Anuradhapura	85.7	40.4	-45.3
Polonnaruwa	83.6	29.7	-53.9
Badulla	86.9	41.8	-45.1
Moneragala	83.3	17.0	-66.3
Ratnapura	86.8	77.2	- 9.6
Kegalle	85.4	68.6	-16.8
Sri Lanka	81.1	55.3	-25.8

These five districts constituted 15 per cent of the electorate. Nine electoral districts had less than 50 per cent voter turn-out. These nine districts, namely, Matale, Matara, Hambantota, Jaffna, Vanni, Anuradhapura, Polonnaruwa, Badulla and Moneragala had 58.6 per cent of the registered voters in the country.

5.6 Analysis of voter participation at the level of Electoral Divisions provides an even more vivid picture. Of the 160 Electoral Divisions, 61 Divisions or 38 per cent of them had voter participation rate of below 50 per cent. The details are shown in table III below. An Electoral Division in Matara, namely, Hakmana, had an overall voter turn-out of less than 5 per cent. Another in Moneragala had a voter participation rate of less than 7 per cent. More than one-half of these Electoral Divisions with less than fifty per cent voter participation had actually a voter turn-out below 30 per cent. On an average, as shown in the Table III below, these 61 Divisions with 35 per cent

Table III

Electoral Divisions with less than fifty per cent voter participation

District	Division	Size of the Electorate.	Voter Participation Rate.
Kalutara	Agalawatta	70,999	44.85
Matale	Dambulla	72,515	10.63
	Laggala	41,110	44.70
	Matale	48,841	41.63
	Rattota	52,472	33.53

Galle	Balapitiya	41,220	22.04
	Ambalangoda	49,885	14.25
	Karandeniya	47,887	21.41
	Bentara-Elpitiya	65,597	32.97
	Ratgama	60,877	43.25
Matara	Deniyaya	58,342	37.77
	Hakmana	65,407	4.45
	Akuressa	67,076	14.07
	Kamburupitiya	63,590	7.45
	Devinuwara	62,490	15.64
	Matara	64,438	47.98
	Weligama	70,591	38.57
Hambantota	Mulkirigala	66,740	19.08
	Beliatta	62,773	21.26
	Tangalla	70,422	25.41
	Tissamaharamaya	95,245	44.67
Jaffna	Kayts	49,481	26.25
	Vaddukoddai	58,522	31.53
	Kankasanturai	60,386	16.18
	Manipay	58,320	23.11
	Kopay	56,450	23.71
	Udupiddy	52,084	16.29
	Point-Pedro	40,175	25.45
	Chavakachcheri	51,595	21.44
	Nallur	61,936	14.16
	Jaffna	49,229	22.58
	Kiinochchi	53,604	20.21
Vanni	Mannar	47,060	15.12
	Vavuniya	54,039	11.80
	Mullaitivu	41,624	14.86
Trincomalee	Trincomalee	56,026	40.73
Kurunegala	Galgamuwa	60,948	45.50
	Nikaweratiya	56,592	39.27
	Yapahuwa	66,736	24.27
	Hiriyala	59,781	35.12
	Wariyapola	48,131	43.19
	Katugampola	61,644	48.19
	Kurunegala	53,193	49.42
	Dodangaslanda	44,229	46.45
Anuradhapura	Medawachchiya	47,805	45.47
	Horowupotana	42,773	26.69
	Anuradhapura-East	50,340	45.32
	Kalawewa	65,945	37.24
	Mihintale	33,651	24.94
	Kekirawa	41,013	32.20
Polonnaruwa	Minneriya	50,128	9.43
	Medirigiriya	48,728	21.95
Badulla	Wiyaluwa	30,460	40.94
	Passara	31,509	35.64
	Badulla	31,924	27.49
	Hali-Ela	35,367	49.76
	Uva-Paranagama	38,520	11.40
	Welimada	41,846	27.57
Moneragala	Bibile	43,093	35.91
	Moneragala	51,823	6.51
	Wellawaya	67,011	12.66
	Total:	3,292,238	29.20
		or 35% of the Electorate.	

of the total electorate in the country had a voter participation rate of 29.20 per cent.

5.7 From this standpoint, the distribution of voter turn-out within Electoral Divisions would be very interesting and educative. However, the unavailability of data at this stage precludes such analysis. As an illustration, however, the case of Akuressa shown in Table I is

pertinent. The polling in many areas in Matara and Galle was low and even negligible. The visiting members of the Group had encountered some polling stations in Jaffna and Galle where there had been little or no voting even by mid-day when they visited. The result of polling in 30 polling stations of Akuressa electorate in Matara district as shown in Table I indicates that there may be many polling stations in the country where the voter turn-out was nil or negligible. Seven of the 30 stations examined in Akuressa fell into the nil category. Nine other polling stations had been visited by less than 100 voters each. Similarly, in Anuradhapura, 16 of the first 20 boxes opened in one electoral Division did not yield a single vote.

5.8 Apart from low voter turn-out, the polling in this Presidential election was also marked by an increased percentage of rejected votes. It was 1.76 per cent as against 1.22 per cent in the 1982 election. The percentage of invalid votes this year is the highest since the country's first general election in 1947. As shown in Table IV, the percentage of votes rejected was unfortunately higher in all districts except in Trincomalee where the proportion of invalid votes was slightly higher in 1982.

Table IV

Percentage of Rejected Votes in 1982 and 1988

Electoral District	Rejected Votes in	
	1988 (%)	1982 (%)
Colombo	1.51	1.04
Gampaha	1.36	0.85
Kalutara	1.77	1.24
Mahanuwara/Kandy	1.43	0.93
Matale	1.71	0.86
Nuwara Eliya	1.81	1.17
Galle	1.57	1.22
Matara	1.86	0.92
Hambantota	4.44	0.91
Jaffna	6.62	4.64
Vanni	3.60	3.34
Batticaloa	4.09	2.34
Digamadulla	1.96	1.29
Trincomalee	1.62	1.88
Kurunegala	1.09	0.87
Puttalam	1.30	0.91
Anuradhapura	1.64	0.96
Polonnaruwa	2.38	1.00
Badulla	2.38	1.22
Moneragala	3.09	1.47
Ratnapura	1.16	0.98
Kegalle	1.43	1.31
Total	1.76	1.22

B. Complaints and representations received by the Observer Group

5.9 The Observer Group received a number of complaints and representations both before and after the election and on the election day itself. They mostly came from the Sri Lanka Freedom Party officials, and leaders of the constituent parties supporting the SLFP candidate, and some private citizens. Two complaints were also received from the UNP.

5.10 The complaints fell into the following broad categories:

i) Arrests, violence, intimidation

It was alleged that the emergency powers enjoyed by the police were mostly used against the followers of the opposition

candidates in the run-up to the elections.

One complaint said that several people were taken into police custody and sent to Boosa Detention Camp shortly before the election day.

It was also alleged that a number of polling agents and counting agents of the SLFP were included among the people arrested before the election.

The security officials of the Minister of Health, Dr. Ranjit Attapattu were alleged to have gone to the Technical College at Beliatta in the afternoon of the election day and told the

election officials that they could go home since they (Dr.Attapattu's men) were now taking over the booth.

In the Horowupothana Electorate in North Central Province and the Tangalle Electorate in the Southern Province, ruling party supporters were said to have been seen going round in vehicles throwing bombs and firing in the air to cause a scare. On the election day several of those returning from voting were claimed to have been shot at. SLFP organisers Dharmasena of Walasmulla in the Southern Province, Kulathunga of Dambulla, Wegodapola of Rattota, Landewela of Passara, a secretary of former M.P., Dr.Neville Fernando, and six others from the Western Province, were some of those reported killed on election eve or on the polling day.

Incidents were also alleged to have occurred of voters waiting to cast their votes being shot at in Witharanadeniya in the Beliatta Electorate of the Southern Province, in Matale in the Central Province, and in Yapahuwa in the North Western Province.

In a letter to the President (a copy of which was furnished to us) Mrs.Bandaranaika complained of a large number of her key supporters all over the country being continuously harassed and detained by the security forces, the Police and other official or semi-official groups. Special mention in this connection was made of a senior Police official, D.I.G. Udugampola in the South. A climate for low poll was also reported to have been created with threatening letters and posters on election eve.

The UNP General Secretary, Mr.Ranjan Wijeyaratne, complained that a leading SLFP politician from Ratnapura District had issued pamphlets for distribution which, among other things, said that JVP had declared that it would murder anyone who voted for UNP.

A UNP Chief Organiser for the Attanagalla Electorate, Mrs.Kulaseeli Perera, complained that the Horagolla residence of Mrs.Bandaranaika was an 'armed camp' where ruling party supporters were being taken and tortured, and that several were, in critical condition according to Mrs.Perera in the Wathupitiwela Hospital.

ii) Voting: Cancellation, delays, shifts of venue:

There were complaints of polling booths not having been opened at all on election day. This is said to have happened in 49 booths in Moneragala Dist., 16 booths in Uva Paranagama Electorate, and in several others in Hambantota, Matale, Anuradhapura and elsewhere.

Delays in starting the voting also occurred widely. In Moneragala District 49 booths did not open at all due to the highly disturbed condition, marked by serious outbursts of violence and intimidation. The same was true of 16 booths in the Uva Paranagama Electorate. In Kurunegala District almost all booths opened after 10 a.m. and many voters went away thinking there would be no voting there. All the other booths in Moneragala District were alleged to have opened only after 12 noon. The same was claimed to have happened elsewhere in parts of Anuradhapura, Matale and Hambantota Districts.

Thirdly, there were cases of sudden shifting of venue, such as in Districts of Kurunegala, Matale and Hambantota. Voters had to walk six miles or more to the new booths. This caused many to be so delayed that their turn did not come till closing time. In at least one case in Dalukwatte village, the voters would have had to cross the Deduru Oya river and trek seven miles to the new clustered venue. Reportedly none thought the trouble worthwhile.

iii) Substitution of election staff

Because of threats of violence several of the election staff at many places declined election duty. The replacements found in a hurry were rarely adequate in numbers or training. This slowed down progress and indeed in many places voting time ran out while long queues still remained outside.

iv) Polling agents scared away

SLFP complained of its polling agents being chased away by Ministers and ruling party M.Ps. In Badulla District the SLFP agents' entry into the booth was allegedly barred for nearly two hours.

v) Miscellaneous

There were complaints of the voters' register carrying the same voters' names several times, or on the other hand dropping out some category of voters.

A number of postal voters were said to have been unable to use their votes because they had not received the necessary cards.

False ballots

After the Group had already prepared its Interim Statement, representatives of the SLFP met the Group and showed a number of unused ballot paper books, allegedly received by them from a source in a particular police station. According to them, what they indicated was that false ballot papers were printed in large numbers and kept in certain police stations, where, according to them, ballot boxes were emptied of genuine votes and replaced with false ballot papers marked in favour of their opponent.

(...)

3. Compliance with Election Rules

3.1 No infringement of rules with regard to the use of ballot papers, their secrecy, and security in transit to the counting centres, was observed in the electoral divisions visited. In some areas, however, the improvised "cubicles" provided for marking the ballot appeared inadequate.

3.2 There was no dispute about the identity of voters of cases of impersonation in the polling stations visited. Complaints about the stuffing of ballot boxes were heard at one counting centre visited and specific complaint in this regard (referred to in Part B of Chapter IV) was received but not observed in any of the polling stations visited.

3.3 Arrangements at the counting centres visited and the method of counting were satisfactory and according to the prescribed procedure.

3.4 The general intimidation discussed in paragraph 4 below, affected the environment for the conduct of free and fair elections adversely in some other ways. Thus, a substantial number of polling stations were without polling agents of one or more of the candidates. It was reported that the political parties could not recruit agents and send them to the polling stations in adequate number because the organisers and workers of the parties were also being threatened by militants. Absence of polling agents of the contesting parties left a major gap in the arrangement for fair polling.

3.5 Polling cards remained undistributed in many areas because of the curfews, strikes and other disorders created by the groups that did not want the election process to run smoothly. As a result, many voters who would have otherwise been inclined to vote were handicapped by not having polling cards.

3.6 Some polling stations could not start functioning at the appointed time because of the late arrival of the polling staff. The special arrangements that had to be made for their security and the road blocks that were encountered delayed their arrival to their duty stations.

3.7 The Group received several representations relating to irregularities in the electoral registers, the late opening of polling stations, unequal access to state facilities during the conduct of the election campaign, arrest and harassment of party members engaged in election work, abnormally high polling in areas where the occurrence of violence together with the absence of polling agents should have resulted in low polls, Ministerial interference in the election process and the printing of false ballot papers and replacing genuine votes with false ballot papers. The Group was not in a position to investigate each of the several specific complaints made to it. Questions were also posed before the Group as to whether acts of omission and commission on the part of the Government materially contributed towards reducing the turnout. Such acts referred to ranged from non-dissolution of Parliament to non-distribution of polling cards. The Group, given its terms of reference and its limitations, while noting the questions raised, must necessarily leave them to be dealt with in accordance with the law of the land.

4. Overall Political Law and Order situation and its effect on voter turn-out

4.1 The issues and problems observed were related to factors and circumstances beyond the control and purview of the personnel engaged in the conduct of the poll and of the counting on election day and in the other administrative arrangements made for these purposes. The low voter participation has been a major disappointment. A voter turn-out of 55.32 per cent of the electorate is a record low in the election history of Sri Lanka. In many electoral districts, the majority of voters did not or could not participate in the election. In some electoral divisions, participation was negligible. In a number of polling stations, the participation was nil.

4.2 In this election, voters may have stayed away from the polling stations both willingly and unwillingly. The low polling in Jaffna was, in all likelihood, influenced by the choice of many voters not to exercise their right to vote, apart from the problem of general intimidation. In many other provinces, however, some in the Southern Province, in particular, there is reason to believe that voters stayed away from the polling stations because of the sense of insecurity. The Group observed that the problem of general

intimidation during the election campaign and on the polling day was unprecedented. There were many incidents of violence, threats and other acts of coercion directed against not only the voters but also election officials. The Group is convinced that the general climate of intimidation resulted in significant sections of the population, more particularly in the rural areas, not being able to exercise their franchise. On the other hand, in most of the urban areas visited, voter turn-out was relatively high, even in areas where incidents of violence or bomb threats had taken place.

4.3 It was evident that while the Army and security personnel were keen on providing as secure an environment as possible, the voters in many parts of the country were not confident that they could cast their votes without danger to their lives and property. The voters, in the prevailing situation, needed security not only at the polling station or on the polling day but also in the subsequent days and weeks, when, as they perceived it, they might be the targets of those who were ordering them not to vote.

4.4 The situation in Sri Lanka during the 1988 Presidential election was extraordinary in that there were patent threats by those who had been and were using force to disrupt the entire process of election. In the face of such extensive subversion, voters as well as the election staff were under great pressures. It may be said to the credit of the election staff generally that they performed their duties so far as possible in accordance with the law. The allegations made with regard to breaches of election rules and malpractices referred to in paragraph 3.7 above are matters upon which the Group cannot pass judgment as indicated above, since such matters must necessarily be left to be dealt with in accordance with the law of the land.

4.5 The Group would like, in particular, to commend certain measures which were adopted in Sri Lanka as being conducive to the holding of free and fair elections. These are the legislative guarantee of equal access to electronic media to every Presidential candidate as well as the use, upon payment, of Government-owned transport such as helicopters. Certain other measures which distinguish Sri Lanka from other countries in the region are the legislative provisions for issuing polling cards to every voter giving his number in the electoral roll and the venue of the polling station where he is expected to cast his vote and a legal provision prohibiting the use of any transport other than public transport by a voter when going to a polling station.

4.6 The Group, however, would like to draw attention to the fact that, notwithstanding a sound legal framework and a proper and fair application of laws and procedure in general, a situation where a large number of registered voters are prevented from exercising their right to vote as a result of threats, intimidation and coercion, from whatever quarter, detracts from the institution of a free and fair election.

4.7 The Constitution of Sri Lanka in Article 93 has laid down that the voting for election shall be "free, equal and by secret ballot". The presence of higher degrees of intimidation directed at voters in some parts of the country than others in effect means that the right of franchise is to that extent not equally available to all citizens. When the total votes cast in an entire electoral division is less than 5 per cent, largely because of intimidation, it could be argued that citizens in that electorate were practically disenfranchised. Similarly when a number of polling stations present empty ballot boxes at the end of polling, due to intimidation, this is tantamount to such polling stations not having been there at all. The Group, in drawing attention to this fact, wishes to underline the importance of creating conditions by all concerned in which the right to vote may be exercised freely and without fear by all citizens equally in order that the mandate of the Constitution of Sri Lanka, that the election shall be, "free, equal and by secret ballot", is realised both in letter and in spirit.

5. The Non-Governmental Group from SAARC Countries have come together as a manifestation of common values and shared aspirations of the people in the region to sustain and strengthen the institution of free and fair elections as the basis for effectively functioning democratic political systems. The Group would like to express their solidarity with the people of Sri Lanka in their efforts to consolidate and strengthen the democratic process in their country. Many have lost their lives, including several government servants engaged in the conduct of the election. The Group would like to conclude its report by paying tribute to all Sri Lankans who have sacrificed their lives in the cause of democracy and human dignity.