

CENTRE FOR MONITORING ELECTION VIOLENCE

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Presidential Election - 2010

Field Visit to Jaffna, Killinochchi & Vavuniya

22nd January 2010

The Centre for Monitoring Election Violence (CMEV) conducted a field visit to the Jaffna, Killinochchi and Vavuniya districts from 17-19th January 2010 to monitor the situation prior to the 26th January Presidential election. CMEV met with residents of the area including those who had recently returned, internally displaced person (IDPs), civil society groups, agencies and government officials.

Travelling North on the A9

Consequent to the announcement of the Presidential election many of the restrictions imposed on movement have been lifted and a greater freedom of movement to and within the North was evident. The A9 road is open 24 hours and with very few check points along the way. The check point in Madawachchiya, from which during the war, people had to obtain a pass to access the North has been completely dismantled with only a few security personnel present. Accessing Vavuniya by road is now easy. The only two check points on the A9 north of Vavuniya are based in Omanthai and Elephant Pass. Here security personnel question those proceeding north. The heavy war time and immediate post-war checking seem to have disappeared, at least temporarily. As a result of the easing of travel restrictions on the A9, there is a constant stream of people visiting Jaffna, mostly from the South and travelling to see the area and visit Nainathivu, an island which has religious significance for Buddhists. The relaxation of travel has also increased commerce and trade in the area. Many more items are available in the market and Sinhalese traders have also set up stalls. One resident told CMEV that certain days saw as many as 15,000 persons from the South visiting Jaffna. Residents of Jaffna commented that while it was positive to see people from the South visiting the area, there were very few resources and structures in place to host this influx and as a result people were sleeping in buses and public buildings. Generally the mood of visitors and hosts was one of mutual acceptance.

Restrictions were also relaxed within Jaffna. Accessing islands was easy with no military approval or registration needed. Security personnel also seemed more relaxed and friendly, compared to the tense situation seen in previous years. CMEV was also informed that certain areas in the High Security Zone (HSZ) such as Kirimale were accessible. Though freedom of movement has been welcome by residents of Jaffna, there is an apprehension that such relaxations may end after the Presidential elections

and that previous restrictions will be enforced. This fear and the novelty of travelling on the A9 have increased traffic on the road throughout the day and night. Between Omanthai and Elephant Pass a number of small tea stalls have cropped up. An area that was sparse during the period of LTTE control is changing, with returnees setting up small shacks including small shops, demining activity continuing and old structures being replaced with new ones. What is most striking on the drive north from Omanthai are the military and police posts, camps and structures that have been set up. Both sides of the A9 have been cleared and demining activity either completed or continuing. Cleared areas have been settled with returnees who have makeshift shacks. Around these shacks and in other areas, there is heavy military, police and STF presence. It is also evident that several shops and structures selling refreshments have been established and run by the military.

The Vanni landscape reflects the rapid and dramatic change in the area. Previous landmarks are fast disappearing, with new structures and sites coming up. Former LTTE administrative structures such as the LTTE Police have been taken over for Government offices and other buildings such as the UNCHR building in Killinochchi now houses the Police. CMEV was informed that the development taking place in the area comes under the Northern Springs project and is controlled by the Presidential Task Force. There were two very large victory monuments built by the side of the A9 road. They are heavily guarded by the military. One is in Elephant Pass and the other is in Killinochchi. The latter was surrounded by military personnel and did not seem to be accessed by civilians. CMEV also noted the Buddhist temples and shrines built along the A9 road. CMEV saw three such structures during the trip which were visible from the A9. It is unclear as to what has been done in the interior as movement to these areas is restricted. The new structures and controls in the Vanni including the large military presence, new military installations, monuments and Buddhist temples, raises the question of the plans envisaged by government for the area and in particular as to whether these plans involve the establishment of military cantonments there.

Though there is developmental progress in Killinochchi and the other towns along the A9, the lives of returnees are yet to improve. Many continue to live in temporary shacks and face hardship in accessing basic services. Though children are able to go to school, buildings are damaged, there is no furniture and classes are conducted in makeshift structures. Farming and other livelihoods of returnees have been halted due to restrictions. Many resort to having small shacks by the side of the road and have to manage with the assistance given to them when returned.

Whilst damage and destruction was still evident in most places in Killinochchi and Jaffna, many of the people seemed more relaxed. Concern was nevertheless expressed that the new found freedom may not last beyond the election and that many restrictions could be reimposed.

Campaigning for Elections in the North

CMEV noted that in the areas visited there were few posters of the candidates and that most election material that was put up seemed to have been removed. A few posters of Mahinda Rajapakse were evident in Jaffna town, areas in the Killinochchi district and Vavuniya. A poster of the President and Minister Douglas Devananda was seen in the

islands. Posters and cutouts of the two main candidates were visible in party offices in Jaffna and Vavuniya. CMEV did not come across campaign materials or party offices of the other candidates. CMEV was informed that public meetings were held by several of the candidates in Jaffna and Vavuniya but no campaigning was visible in the Killinochchi district. The team was also informed that state resources were used - several CTB buses were used to transport people to the Duraiappa Stadium for the public rally held by Mahinda Rajapakse in Jaffna town.

The CMEV team was informed that campaigning by local MPs and other politicians was limited in Jaffna and Vavuniya and there was no campaigning in Killinochchi. In Jaffna and Vavuniya many stated that the UPFA campaign was spearheaded by Minister Douglas Devananda with the involvement of other politicians. There were also reports that the previously detained and recently released TNA MP Kannagaratnam was brought to Vavuniya, given a government bungalow and vehicle and asked to campaign for Mahinda Rajapakse. The team was also told that recent returnees were provided with dry rations and asked to vote for Mahinda Rajapakse. This was said to have occurred in areas in Vavuniya including villages in Chettikulam DS. The CMEV team was informed of three villages in Chettikulam DS where around 1200 were provided dry rations by Minister Rishard Badurdeen in January 2010. There was no visible presence or campaign by the TNA in either district and many stated that the TNA campaign will commence after 20 January. Several individuals though aware of the TNA support for Presidential candidate Sarath Fonseka, stated that none of the elected TNA MPs from Jaffna were actively campaigning, communicating with the public at large or engaging in advocacy on behalf of those who are unable to cast their vote. Whilst there was criticism of local politicians and political parties for not advocating the rights of the disenfranchised, many indicated that they will vote. There were also several who stated that the Tamil media such as the Uthayan and Veerakeswary newspapers were influential as well as proactive in providing voter information and in these respects more active than most of the local MPs.

Interest for Elections in the North

The interest among Jaffna and Vavuniya residents seems much greater compared to those living in Killinochchi whose priority at this moment is the rebuilding of their lives, returning to their land and resuming their livelihoods. Many in Jaffna saw the Presidential election as an important event which provided them the opportunity to directly participate in deciding their future through the exercise of the franchise. There were others who felt that this election would not make a difference to their lives and had little confidence of change. Though there was a difference of opinion on the elections, there was general agreement that the relaxation of restrictions in the area and greater freedom for the residents was positive. Several though questioned whether the present status was only an election gimmick by the present government. Many predicted a voter turnout of at least 50% in Jaffna and Vavuniya respectively.

From the discussions held with the various stakeholders it seems a large number of voters, mainly IDPs and returnees in the three districts, will not be able to vote for two main reasons - not being on 2008 voter list and not possessing the relevant voter identification documents. There was division among the IDPS and returnees CMEV spoke to on the importance of the exercise of the franchise at this point. Many among

this group stated that elections were not priority for them and that rebuilding their lives were the most important.

Voter List and Related Issues

According to Mr. Kuganathan, the Assistant Election Commissioner in Jaffna, there are 721,359 persons on the Jaffna electoral list which includes Jaffna (629,458) and Killinochchi (91,901) districts. Although there are 91,901 registered in the Killinochchi district very low numbers are back in the district. According the Government Agent in Killinochchi, only around 17,000 have returned to the district and only 5000 have applied to vote at this election. The majority of the population continues to live in displacement in camps or with host families.

On the Vanni electoral list there are 266,975 persons. This breaks down as - Mullaithivu: 68,729, Vavuniya:112,924 and Mannar:85,322

Many of the people the team spoke to in Jaffna peninsula informed that they were registered in the 2008 voter list. Those who were unable to register are those who were displaced prior to 2008 and returned subsequently (discussed in detail below). According to UNHCR figures, as at 7 January 2010, there were 69,541 who were displaced from the Vanni and have returned to Jaffna. The majority of those who have returned are interested in voting but were informed by the GS that they are not on the list and can only be included when applications are called in June or July 2010. This means that a significant number of those who were displaced and returned to Jaffna will be unable to cast their vote in the Presidential elections and any other elections that are to be held in 2010. CMEV notes that special steps need to be taken by the Election Commissioner and political parties to address this situation. Sri Lanka is at an unprecedented post war situation. Over 200,000 persons were directly affected by the conflict, displaced and unable to register in the voter list of 2008 in the districts of their residence. While the present framework states that only those registered in 2008 will be able to vote in 2010, this special category requires special consideration.

Documentation Required for Voting

Residents of Jaffna who spoke to CMEV informed that they possessed the necessary documentation to cast their vote. The Election Commission has recognised that seven forms of documentation are recognised to be able to vote which are-

1. National Identity Card issued by Department of Registration of Persons.
2. Valid Passport.
3. Valid Driving Licence.
4. Government Pensioner's Identity Card.
5. Elder's Identity Card.
6. Identity Card issued to the Clergy by the Department of Registration of Persons.
7. The temporary identity card issued through the Department of Elections for the previous Provincial Council Elections. (These cards will be-revalidated and re-issued to the holders though Grama Niladharis).

In an announcement made by the Commissioner of Elections on 2 December 2009, it was stated that if a person does not possess the above forms of documentation an application needs to be made prior to 15th January to obtain a temporary identity card.

Around 8000 in Jaffna who did not possess documentation were issued temporary identification cards by the local DSs which can be used to cast their vote. Several government officials stated that identification documents will be issued till the 25th or even 26th so that as many persons could apply. Similar initiatives were taking place in Killinochchi and Vavuniya.

CMEV was informed that those who had recently returned from IDP camps were not in possession of NICs or other required documents to cast their vote. Many showed temporary camp identification cards that were issued by the government and signed by the police and included a photograph of the person. Those in Allaipiddy that the CMEV team spoke to stated that they had applied for temporary documents and the GS had informed that these would be issued in the near future. Unfortunately, these IDPs were not registered in the 2008 voter list as they were displaced prior to this. They are therefore not able to vote in the Presidential election.

Election Day Arrangements and Concerns

The CMEV team was informed that the GA who is the Returning Officer for the respective district and his officials in the district were working with the Election Commissioner and his officials to make arrangement for the forthcoming Presidential elections. CMEV was informed of the polling centres and cluster centres set up in the different districts. The polling centres are as follows:

Jaffna Electoral List 624

Jaffna	529
Killinochchi	95

Vanni Electoral List 222

Mullaithivu	50
Vavuniya	91+ (13 centres for surendees)
Mannar	68

Cluster Booths:

Jaffna

Sixty eight (68) centres will be clustered in the Killinochchi Public Playground, 19 centres will be located in 13 selected places and another 08 centres will be located in 4 selected places. Kankasanthurai will have 34 clusters and 8 centres clustered in Kudathanai Relocation Centre, Point Pedro

Vanni

Vavuniya:

8 centres will be clustered in Puliyankulam Tamil Maha Vidyalayam
4 centres in Vavuniya Tamil Maha Vidyalayam

Mullaithivu

35 Centres will be clustered in Vavuniya Tamil Maha Vidyalayam

Mannar

4 centres will be clustered in Vannamodai G.T.M.School

2 centres will be clustered in Kaddaiyadampan R.C.T.M School

Many of the people CMEV spoke to indicated that they had received polling cards. Those who had not received polling cards stated that they were waiting for the cards and if they did not receive them that they would raise the issue with the GS and check at the local post office.

The Returning Officers in the three districts visited stated that measures had been taken to raise awareness of where the polling centres will be located through the GSs and local media. There was also information disseminated through Tamil media as to where the cluster booths will be located in the three districts. While this has taken place, CMEV came across several persons including recently returned persons in Jaffna who were unaware of where they had to go to vote. CMEV urges relevant government officials to widely disseminate information of where the respective polling centres and cluster booth are to be located. The Returning Officers also stated that transport will be arranged for returnees and IDPs who are presently residing in a particular district but registered to vote in a different district. In Jaffna it is estimated that 400-500 persons will be voting in cluster booths in other districts including Killinochchi, Vavuniya and therefore transport will be arranged for those who have applied for this facility. What is unclear is the location from which persons in need of transport can access the facility and the time at which the facility will be available. This information must be widely circulated to persons who are eligible for transport to avoid confusion on Election Day.

Further, many persons CMEV spoke to stated that they were confused about how to mark the ballot paper and ensure the validity of their vote. There was confusion among voters of how to proceed with preference votes and whether a cross or numbers should be used. This is an issue that the Election Commissioner, district officials and political parties need to address to ensure that voters follow the recognised form of voting.

CMEV was informed that in Jaffna, training for polling agents had taken place to educate the polling agents on how to conduct the elections on the day and to be aware of steps to be taken when a problem arises. Several in Jaffna stated that polling agents and other officials were brought in from the South for the Municipal elections held in Jaffna in August 2009 and that a similar initiative should be introduced for the forthcoming Presidential elections to avoid malpractices. CMEV was not informed of persons being brought from the South for the Presidential elections. We urge the Election Commissioner and the Government Agents to assess the situation in the districts and take the necessary steps to avoid election malpractices.

The Returning Officers stated that displaced persons who had applied to vote will be able to do so in polling centres which are set up outside of the camps. Polling cards have been sent to the camps. There was confusion with regard to how those who have

returned to their land will receive polling cards if they had applied for them while residing in camps and had given the camp address on their application. Confusion remained as to whether they would have to travel to the camps to collect the polling cards or whether the polling cards would be posted to a new address. Though polling cards are not mandatory for voting, this is an example of the confusion and lack of planning when it comes to the voting rights of IDPs and returnees.

According to the National Action Plan that was formulated by the Ministry of Disaster Management and Human Rights in October 2009, there remain around 11,000 'surrendees'. These persons fall under Emergency Regulations No 1405/14 of August 2005 and No 1462/8 of September 2006 which provides that a person who surrenders can remain in rehabilitation camps for upto 12 months with a possible extension of another 12 months. Surrendees fall within the purview of the Commissioner General of Rehabilitation. CMEV was informed that there are presently discussions to allow 'surrendees' to vote. Following booths are set up for 'surrendees' based on the applications accepted;

- 1.V/Pampaimadu Campus Hostel-137
2. V/Technical College,Nelukkulam-272
- 3.VMuslim Maha Vidyalayam Paddanichchur,Hall No 04-141
- 4.V/Gamini Maha Vidyalayam-81
- 5.V/Kandapuram Vani Maha Vidyalayam-189
- 6.V/Vavuniya Tamil Maha Vidyalayam(Primary)-153
- 7.V/Rambaikulam Girls Maha Vidyalayam.Hall No 02-106
- 8.V/Hindu College,Kovilkulam-112
- 9.V/Velikkulam Junior School Hall No 03-111
- 10.V/Poonthodam Maha Vidyalayam Hall No02-164
- 11.V/Omanthai Maha Vidyalayam Hall No 02-370
- 12.V/Mudaliyarkulam G.T.M.School Hall No 02-336
- 13.V/Pampaimad Zone I -137

Votes are to be counted in counting centres identified by the Election Commissioner in each district. Therefore votes casted under the Jaffna electoral list will be counted in Jaffna. Killinochchi district falls within the Jaffna electoral list and CMEV was informed that arrangements have been made to transport ballot boxes from polling centres and cluster booths in Killinochchi to Jaffna. Ballot boxes are to be transported by road accompanied by the Election Officials, Police and Political party agents.

Right to Vote of the IDPs and Returnees

IDPs and those who have returned have the same constitutional right as every citizen of Sri Lanka including the right to vote. Those who have directly borne the brunt of the conflict and been displaced from their homes have been unable to obtain proper documentation and register due to the hardships faced as a result of the conflict. They need special attention. This is an unprecedented situation, with more than 100,000 IDPs still remaining in camps. Around 150,000 have been returned, though CMEV discussion with these groups indicate that many are unaware of their right to vote or unable to cast their vote. CMEV is concerned that several thousand could be disenfranchised due to several reasons including lack of registration, lack of proper

documentation, not being aware of being able to vote in the district of their current residing and of the location of their polling station.

CMEV welcomes steps already taken by the Election Commissioner to address the rights of IDPs and those returned including the newspaper advertisements informing voters where to vote which appeared in the Tamil press in January 2010 and the extension provided for IDPs to register to vote. Though these measures have addressed concerns somewhat, the visit to Jaffna, Killinochchi and Vavuniya highlighted that problems still persist.

CMEV met with several persons who were previously residing in Jaffna and had been displaced to the Vanni as a result of the conflict. According to UNHCR figures, as at 7 January 2010, there were 69,541 who were displaced from the Vanni and have returned to Jaffna. With such a large number returning and returns still continuing, there are concerns about these returnees being eligible to vote. Several persons CMEV spoke to in Allaipiddy and Kayts indicated that they were registered to vote in Jaffna prior to being displaced. All confirmed that they were present in Jaffna when the 1981 census - the last census in Jaffna - was conducted. They felt that this should be considered as evidence of their residence in the district. CMEV raised these concerns with government officials who stated that if persons are not on the 2008 Jaffna voter list, they are not eligible to vote in any of the elections in 2010 which includes the Presidential election, Parliamentary election and Northern Provincial Council elections. The 2008 voter list was compiled with applications accepted in 2007 and therefore leaves out persons displaced or who migrated prior to this date. With the conflict, many were displaced, unable to register and lost their documentations. Special consideration needs to be given to this group of people who have faced severe hardships as a result of the conflict and who now face disenfranchisement on account of a legal framework which does not take on board the impact of conflict and displacement. CMEV urges all stakeholders to formulate new legislation to recognise the difficulties faced by those who are affected by disasters and accordingly unable to register in the voter list.

Though the census is a starting point to verify whether persons resided in Jaffna prior to displacement, this does not address those who were born after 1981 and are presently over 18 years of age and not recognised in any list in Jaffna. CMEV urges the Census Department to conduct a census in the whole of Sri Lanka as soon as possible.

The CMEV team was informed that the older IDPs in Jaffna such as those displaced from the HSZ are in the Jaffna voter list of 2008 and will be eligible to vote in cluster booths that are to be set up near the HSZ.

Lack of documentation is another issue cited by IDPs and returnees which may lead to disenfranchisement. CMEV was informed that 8000 temporary identity documents have been issued in Jaffna for the forthcoming elections and that more are to be issued before elections.

CMEV also notes that those returning are registered with several government ministries due to their displacement and return. Those who return have previously been issued a temporary camp card by the Police, are in the government database of

those having returned, received the return assistance of Rs 25,000 which includes a deposit to a bank account by the government and have received dry rations from the government. They are therefore in at least one government database and their status verified by government officials. A special case can be made to ensure that those IDPs and returnees who are on previous voter lists, registered with the government as IDPs and returnees and in possession of at least the temporary ID with a photograph, should be able to apply to their respective Division Secretary who in turn certifies a letter confirming that the person is either an IDP or returnee and gets it approved by the respective Government Agent who is also the Returning Officer for the district. CMEV recommends that the certified letter and a photo ID such as the temporary camp ID issued by the Police should be allowed as valid voter identity documentation for this special category of persons.

Out of over 100,000 remaining in displacement, only 31,000 have applied to cast their vote at the Presidential elections. CMEV was informed that of the above number only 23,000 applications were accepted. The low number of applications could mean several things - lack of interest among IDPs to lack of awareness among IDPs and confusion on what needs to be done to be eligible to vote. CMEV recognises the steps taken by the Election Commissioner and his officials and other civil society organisations to raise awareness and to encourage IDPs to register. Unfortunately, several interviewed stated that many of the politicians and political parties were inactive and did not advocate IDP voter rights. It is hoped that those representing the interests of these affected groups will show more interest in the future and play a more active role in advocating their rights.

As mentioned in the previous section cluster booths and transport is to be arranged for those who are displaced. CMEV urges the authorities to publicise arrangements made so that IDPs and returnees are aware of the arrangements before election day and there is no confusion on the day itself.

CMEV welcome steps taken by the Commissioner of Elections to raise awareness of the ID's that can be used to cast one's vote. CPA, a constituent member of CMEV also conducted a public campaign in all three languages to raise awareness on the issue. CMEV notes that further awareness is required so that voters are aware of the forms of identification recognised to cast their vote and this is something that should be continuously done by the authorities and media groups.

Conclusion

CMEV welcomes the lifting of restrictions on movement on the A9 road and on restrictions within Jaffna, though there is as yet no real change with the HSZ. Many have been able to return to their lands in Jaffna - the Killinochchi and Mullativu case loads are not moving as fast.

CMEV is deeply concerned with the effective disenfranchisement of IDPs and returnees in this Presidential election, the low number of applications from IDPs and the inability of many to vote due to not being on the 2008 voter list or not having the required documentation. This needs urgent addressing. The Government, Election Commissioner and political parties need to formulate proposals to ensure that rights of

IDPs, returnees and those affected by disasters are respected in future disaster settings and that all are able to exercise their constitutional right to vote.

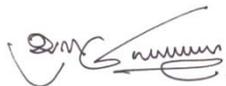
Though there have been comparatively low level of violence reported from the North in this Presidential election, CMEV is concerned with reports of state resources that may have been used in the election campaign of President Mahinda Rajapakse. CMEV is also concerned of possible malpractices on Election Day including voter intimidation, impersonation and ballot box stuffing. The high interest shown among Jaffna and Vavuniya residents is to be welcomed and CMEV encourages all those who are eligible to vote to cast their vote. These elections are the first to be held in the entire Northern Province in a post war situation and are a test on what people in the area want for their future. It is hoped that all citizens who are able to exercise their franchise will do so on January 26.

All CMEV reports and communiques and the CMEV Incidents Google Map can be accessed online at <http://cmev.wordpress.com>

CMEV was formed in 1997 by the Centre for Policy Alternatives (CPA), the Free Media Movement (FMM) and the Coalition against Political Violence as an independent and nonpartisan organization to monitor the incidence of election related violence. Currently, CMEV is made up of CPA, FMM and INFORM Human Rights Documentation Centre.



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