



1. EU Electoral Observation Mission to Sri Lanka

Final Report of the European Union's Observation Mission to Sri Lanka's October 10, 2000 Parliamentary Election

Index

Executive Summary	4
Background of Mission	6
Institutional and Legal Framework	9
Management and Administration of the Election	14
Election Environment and Campaign	17
Voting and the Count	19
The Sri Lankan Media.....	24
Conclusions and Recommendations.....	29
Annex A - Interim Statement	32
Annex B - The EU Observation Mission	35
Annex C - Public Representation of the Observation Mission	37
Annex D - Meetings	39
Annex E - Training, Deployment and Logistics	40
Annex F - Methodology	48
Annex F1	50
Annex F2	53
Annex F3	56
Annex F4	59
Annex G - Security.....	64
Annex H - Election Day Surveys	66

<u>Annex H1</u>	<u>68</u>
<u>Annex H2</u>	<u>69</u>
<u>Annex H3</u>	<u>70</u>
<u>Annex H4</u>	<u>72</u>
<u>Annex H5</u>	<u>74</u>
<u>Annex H6</u>	<u>75</u>
<u>Annex H7</u>	<u>77</u>

1. Executive Summary

Sri Lanka previously known as Ceylon is an island of approximately 20 million people, located just off the southeastern coast of India. Occupied by the Portuguese in the sixteenth century and the Dutch in the seventeenth century it became a British colony in 1802. It achieved its independence in 1948. Tensions between the Sinhalese majority and Tamil separatists erupted in violence in the 1980's. Since 1983 there has been a violent conflict between successive governments and the Tamil Tigers who have been seeking independence for the North and Eastern parts of the Island resulting in over 60,000 deaths.

Unlike other countries to which the International Community send Election Observers, Sri Lanka has enjoyed universal suffrage since 1931 and has a long history of changing government through elections. Regrettably past elections have been marred by violence and intimidation most of it attributable to the two main political parties, the Peoples Alliance (PA) and the United National Party (UNP). The Provincial and Presidential elections last year were particularly bad. The problems caused by violence were further exacerbated by serious electoral malpractice. Not surprisingly these factors are undermining the integrity of the electoral process resulting in a loss of faith in the democratic process itself and undermining the legitimacy and credibility of the political system.

It was against this background that the European Commission decided to send a seventy seven strong team of E.U. Observers to observe the current parliamentary elections over a period of approximately one month. Given the scale of the problems and violence that existed, it was a formidable challenge. By the end of the election campaign, over fifty people had been murdered and hundreds more have been injured and this violence has continued into the post election period.

During the penultimate week of the campaign "suicide bombers" from the Tamil Tigers claimed the lives of 34 people in two bombing incidents.

The remaining victims who were either murdered or injured were casualties of violence between the supporters of the two main parties and on some occasions as a result of internal party rivalry. There was a significant level of violence on polling day itself resulting in at least five murders. The most serious election violence was concentrated in the Central Province region particularly the district of Kandy.

As well as the problems of violence, our observation team witnessed significant abuse of public resources by the government during the campaigning period. This included the use of government vehicles and government employees in the campaigning process, threats to withdraw social security payments and unequal access to government controlled media especially during the concluding days of the campaign.

Although previous elections had experienced major electoral fraud it was minimized in these elections thanks to the integrity and commitment of the Election Commissioner Mr

Dayananada Dissanayake and his staff. Although like his predecessors he was a political appointment, he exercised his mandate independently of pressure from the government. He introduced many new measures which considerably tightened up election procedures and he also rendered null and void votes and polling stations where there were serious problems on polling day.

In delivering a verdict on the election two fundamental issues need to be addressed. Firstly, did the violence and the malpractice prevent the people of Sri Lanka from exercising their franchise.

Secondly, did these factors distort the election result?

In answer to the first question the answer is no. Over seventy five percent of the people of Sri Lanka voted despite these problems.

In relation to the second question it would have been difficult to conclude that the election was “free and fair” in all districts. However due to the prompt actions of the Election Commissioner (and notwithstanding the serious problems that did exist) it would be fair to conclude that the overall result did to a reasonable degree reflect the will of the electorate.

Recommendations are made in the conclusions of the report as to what measures should be taken to prevent a continued reoccurrence of the problems that were witnessed and reported to the EU mission.

However no matter how far reaching these recommendations are, no matter how many of them are implemented, they will have little effect in practice if the main parties in Sri Lanka politics continue with attitudes and actions which undermine the very fabric of democracy itself. In failing to take action to curb the excesses of certain candidates and party activists Sri Lanka’s political leaders are allowing a cancer to eat away at the heart of the Sri Lankan political process.

2. Background of the Mission

Sri Lanka has enjoyed universal suffrage since 1931 and has a long history of changing governments in democratic elections. However, recent polls, including the Presidential elections held in December 1999, and provincial elections held in January 1999 were marked by violence, intimidation and irregularities. These irregularities pose a threat to the integrity of the electoral process and can lead to a loss of faith amongst the electorate in representative democracy and a reduction in the legitimacy and credibility of government institutions. They also contribute to the increased tensions between the leading political parties. In addition, significant irregularities have been caused or facilitated by the continuing conflict in the north and east and the disruptions it causes. Some electoral registers in these areas have not been updated for around 15 years, and due to intimidation, displacement of voters and difficulties of access to poll booths, recent turnout in a few electorates has barely reached double figures.

In mid-May 2000, the EU Presidency issued a Declaration calling on both parties to:

- Cease hostilities and begin negotiations,
- Ensure the safety of the civil population, and
- Co-operate with the Norwegian government in its endeavours to facilitate a negotiated settlement of the conflict,

It also called on the government to lift the restrictions on civil liberties and press freedom, which have been introduced under the emergency regulations.

In a second Declaration issued after the murder of a Minister on 7 June 2000, the EU appealed to the LTTE to put an end to indiscriminate violence, agree to take part in negotiations with the Government to secure a peaceful resolution of the conflict and maintain Sri Lanka's territorial integrity.

The July 6th COASI meeting invited the Heads of Mission in Sri Lanka to write a report on the opportunity and feasibility of an EU electoral observation mission for these elections. The EU Heads of Mission considered that an observation exercise under the auspices of a EU mission was at the time desirable, useful and advisable.

The National Commission for Elections in Sri Lanka invited the EU, together with the Commonwealth Secretariat and the Asian Association of Electoral Authorities to deploy international observers in view of the forthcoming elections. This represented a considerable step forward, in relation to last years presidential elections, when only a limited number of individual observers were invited.

The EC undertook a Needs Assessment Mission from August 8 to 18, 2000, in order to assess whether an electoral observation exercise would be advisable, feasible and useful. This mission could not be fielded earlier as the Commission had to be assured that the Government of Sri Lanka would consider requesting EU Electoral observation and, most importantly, that the Government would decide to hold Parliamentary Elections¹. The conclusions of that mission indicated that a EU Electoral Observation Mission was advisable, feasible and useful, if undertaken according to the following guidelines:

¹ Due to the civil war, for quite some time there were suggestions that the present legislature would be extended beyond its expiry date, pending the return to a normal state of affairs.

- It should comprise impartial election observers, selected in accordance with the 1999 EU Guidelines on Selection of Election Observers and abiding by the EU Code of Conduct for Election Observers ;
- It should be self-standing and independent of the Elections Commissioner, the Government of Sri Lanka, and any other group or organisation, and responsible only to the European Union;
- All costs associated with the mission should be funded entirely by the European Community budget, both as concerns international travel, and in-country costs;
- The mission should have logistical and administrative support provided by an international agency with an office in Sri Lanka;
- All members of the observation mission would need to be provided with any necessary visas by the Government of Sri Lanka;
- All members of the mission would need to be officially accredited as observers by the Elections Commissioner, and would need to have independent access to polling stations and counting centres, as well as be permitted to make contact with government officials and have access to all information relevant to their election observation activities;
- The mission and its observers would need to have complete freedom of movement within the country, subject to limits imposed by genuine security concerns;
- The EU mission would co-ordinate with Sri Lankan observer groups and any other international observers, while establishing reports which are separate from and independent from those groups.

The Commission's Delegation in Sri Lanka received a written confirmation by the Elections Commissioner that he agreed to the above mentioned guiding principles. The Parliament was dissolved by the President on August 18, 2000. On the same date, and contrary to a tradition that leaves this to the Elections Commissioner, the President announced that elections would be held on October 10. A 7-day nomination period running from August 28 to September 4 was proclaimed, contemporaneously with announcement of the elections date. According to the electoral law, elections are to be held between 5 and 7 weeks from the end of the nomination period. The date set for the elections was the first possible day contemplated by the electoral law: exactly five weeks.

Elections were set to be held between 7 a.m. and 4 p.m. covering all 22 electoral districts throughout the country.

The Commonwealth received an invitation and responded with a five member team that conducted an independent observation mission.

A group of three British Parliamentarians who were members of the Sri Lanka – UK Friendship Society also observed the elections.

The Association of Asian Electoral Authorities did not send an observation mission. Previous experiences of international electoral observation in Sri Lanka have been conducted on a short-term basis only. The first international observation exercise was organised in 1988 and included 10 observers from countries in the region.

During the 1999 Presidential elections a total of 27 observers were allowed to be present during polling day by the National authorities. Such a small number of observers, combined with the fact that no long-term or campaign observation took place clearly had an impact on the quality of data collected by that mission. Observers were drawn from a variety of organisations including the UN Mission to East Timor, the International Commission of Jurists, the Asian Human Rights Commission, Human Rights Watch and Article XIX.

Their report made several recommendations that received little follow-up by the Electoral Authorities. There was a widespread perception that another short-term observation exercise would do more harm than good to Sri Lanka, since the information it would be able to collect would be partial and not reliable.

3. Institutional and Legal Framework

The Institutional framework

In Article 93 of the Constitution it states that elections shall be free, equal and by secret ballot.

Sri Lanka adopted universal suffrage in 1931.

The system of proportional representation was introduced by the United National Party in 1977, and under which the last Parliament was elected.

The members of parliament are elected from 22 multi member districts through a proportional preferential election system. Voters first indicate their choice of party on the ballot, and then indicate their three preferences from the party candidates list.

The parliament has 225 members who are elected for a maximum term of six years.

According to Article 98 of the Constitution, 196 members are directly elected. The remaining 29 Members of Parliament are elected in a country-wide constituency. A list of candidates is submitted to the Commissioner by the political parties or independent groups for the national seats.

The present parliamentary election was announced after the President dissolved the Republic's previous Parliament following its rejection of a new Constitutional Bill.

- According to the provisions of the Article 82 of the Constitution, the Bill for amendment of any provision of the Constitution may become law only if the number of votes cast in its favor is not less than two thirds of the whole number of members, including those not present.
- Under the Article 85, the President is required to submit to the People by referendum any modification of the constitution adopted by the Parliament.

It is important to note that Sri Lanka's political system is strongly presidential. The President is elected for 6 years with universal suffrage.

Her Excellency Chandrika Kumaratunga is the current President. She was elected for a second term on the 21 December 1999.

The President is the Head of State

S/he is Chief of the army. S/he can dissolve the Parliament and order a referendum against the Parliamentary will on legislative questions (but not on a constitutional reforms).

The President is the Head of Government

At the same time s/he is Minister of Defence, Minister of Finances, Minister of Planning.

S/he is entitled by the Constitution to appoint:

- the Prime Minister, who does not have any real power, and all the Ministers,
- the Provincial governors,
- the Members and the Chairman of the Delimitation Commission, the Commissioner of Elections,
- the Magistrates of the Court of Appeal and of the Supreme Court, the Attorney General, the Chairman and the members of the "Judicial Service Commission" (similar to a High Council of Magistracy),
- the Ombudsman, the Chairman and the Members of the Human Rights Commission, the Chairman and the members of the Public Service Commission, the Auditor General.

In almost all cases s/he can also remove these people.

The President is the Head of the Party

As in many countries it is sometimes difficult to establish a difference between the speeches and the actions of the President, and those of the ruling party.

This hierarchical style of government is reinforced by the State of Emergency enacted on 3 May 2000, following the heavy fighting in Jaffna and the fall of Elephant Pass. The government has frequently ordered a State of Emergency in the last decade, the longest lasting from August 1988 through to November 1999.

Sri Lanka has ratified many of the international conventions on human rights:

The Universal Declaration of Human Rights, the International Pact on Civic and Political Rights, the International Pact on Social and Economical Rights, the Convention against Discrimination, the Convention against Torture, the Convention against Slavery and Forced Work, *excluding the provision on the work of the children and the work of the women*, the Convention against Genocide and the Convention for the Rights of the Child.

The Republic has not ratified the Convention against Antipersonnel Mines.

The legal framework

The legal framework for elections is set forth in three primary legal documents: The Constitution of the Democratic Socialist Republic of Sri Lanka (amended up to 20 December 1988), the Registration of Electors Act of 1980 and the Parliamentary Elections Act No 1 of 1981 (PEA).

The State of Emergency promulgated by the Public Security Ordinance of the 3 May 2000 plays an important role in extending the powers of the Police and the restricting the of liberties of meetings and public manifestations. The Emergency Regulations relating to the prohibition of processions and meetings and the control of publication Regulations

were relaxed by the President for the period of the elections in Gazette Extraordinary 1148/2 of 4 September 2000.

Sri Lanka's Electoral Administration has a hierarchical structure. The members and Chairman of the different commissions are all appointed and can be removed by the President..

The Delimitation Commission (Article 95 – 96 Constitution)

This Commission is comprised of 3 persons appointed by the President of the Republic. The Commission shall:

- divide Sri Lanka into not less than 20, and no more than 25 electoral districts, and shall assign names thereto. At present the number of electoral districts is 22;
- determine the boundaries, the number of electoral districts and the number of members which each electoral district is entitled to return.

Each province may itself constitute an electoral district or may be divided into two or more electoral districts. The Delimitation Commission is required to apportion such entitlement equitably.

The Commissioner shall determine beforehand whether the number of members belonging to any community elected to the parliament is commensurate with the national ratio.

In the event of a difference of opinion among the members of the Delimitation Commission, the opinion of majority prevails and is deemed to be the decision of the Delimitation Commission.

The President shall, by proclamation, publish the names and the boundaries of the Electoral Districts and the number of members which each district is entitled to return.

The Electoral Commission

According to the Article 103 of the Constitution, there shall be a Commissioner of Elections is appointed by the President of the Republic. The Commissioner can also be removed by the President on account of ill health or physical or mental infirmity or upon an address of Parliament (103(d)+(e)). The Commissioner shall exercise, perform, or discharge all such power, duties, functions, conferred by the Parliamentary Act relating to the elections.

According to the Parliament Act, the powers of the Commissioner are extensive and broad. If any difficulties arise in first giving effect to any provision of the Act, the Commissioner may, by order published in the Gazette, issue all such direction as he may deem necessary. It is important to note that there is no provision made for determination or adjustment in the Act.

If the Commissioner has a lot of power, he also has heavy responsibilities and a tremendous burden of work. He is charged with the organisation of the entire election process and with all the possible difficulties which could arise during that time. The Commissioner has an administrative and jurisdictional power.

The Commissioner appoints Assistant Commissioner and a Returning Officer for each Electoral district and may appoint one or more persons to assist the Returning Officer in the performance of his duties. *These appointments may be revoked by him at any time.* The Returning Officer appoints a Presiding Officer to preside over each polling station.

Voter Registration

The last census of the population was carried out in 1981.

In June of each year, on the order of the Commissioner, registration forms are delivered by Registering Officers to every household. The Commission then prepares two lists, A and B, for each district. One contains all the names to be added and the other the names to be deleted. The final list becomes effective only in June of the following year, and it was often reported that voter registration forms were not delivered in all areas. In Jaffna, for example, around 620 000 voters are registered, but less than 300 000 voters are currently thought to be living in the area. Even in a small electoral area where every one knows every one else, and if according to the law, a copy of the register is given to the recognised political parties, several NGOs complain that *"the registration process is not transparent, is remarkably inaccurate, and objections to false or duplicate registration on voters lists are common."*

The Observer Mission received complaints about the rejection of registration, or failure to respond to the application for registration. The voters whose names do not appear on the Voters Register for the electoral district are not permitted to vote on polling day and have no recourse to remedy the deficiency.

The national voter register is maintained at the office of the Commissioner and only regional parts of the register are made available for public scrutiny.

Candidates and nominations

After the date of publication of the proclamation requiring the holding of an election, the secretary of a political party or independent group other than a party or group already recognised, which intends contesting the election shall make a written application to the Commissioner to be entitled to be treated as a recognised political party or independent group. The Commissioner shall conduct the necessary enquiry as he deems fit. Should the Commissioner decide that a party, or independent group, should not be recognised as a political party, then his decision is final and cannot be called into question in any court.

Where the Commissioner has reasonable cause to believe that difficulties may arise at an election by reason that there are rival sections of a recognised party, all of whom claim to be that party, the Commissioner issue, at his absolute discretion in order to remove such difficulties, a directive to the Returning Officer referring one or none. The direction shall be final and shall not be called into question in any court (Section 13, PE Act).

The lack of legal obligation of identification of the voter

Under section 41 of the Act "no person shall be entitled to vote by proxy", and section 37-2a, "immediately before the ballot paper is delivered to the voter, the number, name

and description of the voter as stated in the copy of the register shall be called out". But the "description" is only by name and it seems that the identification of the voter is only made by the number and the gender. No address, profession, identity card nor voter card is legally required. In the "Instruction to the Presiding Officer" by the Commissioner it is stated that: "There is no legal provision that makes the production of the voter card compulsory. If some voter comes without this official card, he must not be sent back under any circumstances". Section 43 of the PE Act empowers the Presiding officer to require the voter to make a declaration of identity on an official form if his identity is placed in doubt. There is no legal requirement for any form of official identification document.

The report of the International Group of Observers, invited by the Commissioner for the Presidential elections wrote that: 'The Election Commission should examine the Voter card system which has to our knowledge caused problems in the field.' To date nothing has been done relating to that question. There was a possibility that forged polling cards might be circulated. To circumvent this, the Commissioner provided adhesive stickers to be placed on genuine cards, a decision which caused controversy, provoking a legal challenge which was not pursued. The controversy surrounding the sticker issue was largely irrelevant, however, as the voter card is not a mandatory requirement for voting.

The secrecy of the vote

The voter, on receiving the ballot paper shall forthwith proceed into the compartment as directed by the Polling Officer and there, secretly mark the ballot paper. But, under section 32 of the Parliament Act, the ballot paper shall have a number printed on the reverse and shall have attached a counterfoil with the same number printed on the face. And under section 37, the number of the voter shall be marked on the counterfoil and the ballot paper detached therefrom. It is theoretically possible with this method to cross check and know what party and candidates were chosen by the voter if the provisions of section 47 are not respected such as separate and sealed packets of marked copies of register, tendered votes list and of unused ballot papers.

The transparency of the process

As mentioned above, the voters register is not really clear and efficient.

A poor registration process means that the only check on multiple voting is the marking of finger with indelible ink. The quality of the ink plays an important role in preventing the voter from voting twice.

4. Management and administration of the election

The implementation of the rules

The following will examine only the violation of the Electoral Law provisions relating to the election campaign (Part VI Article 66 to 80).

From a technical point of view, the Commissioner satisfactorily fulfilled his very important job, and the level of competence of his electoral staff was high.

During polling day the police (with some exceptions) and the electoral staff conducted their charges conscientiously. However, as previously discussed deficiencies in the law could not prevent people from casting multiple votes.

The mandate of the Human Rights Commission was extended to cover electoral offences.

The Commission may make an inquiry, write recommendations, and follow eventual judicial process. However, as it does not have any power of injunction or judicial recourses, this extension is largely symbolic in nature.

The misuse of state vehicles, services and personnel was a frequent allegation put forward by the opposition parties and noted by the observers.

The same is true concerning the removal and the destruction of campaign posters. Relating to this issue, the police appear to have occasionally implemented the PEA in an inconsistent manner.

Under the Emergency Regulation (Public Security Ordinance of 3 May 2000) the powers attributed to the Police go far beyond the provisions in the PEA and in the Police Ordinance.

Section 70 of the PEA provides that public meetings shall cease 48 hours before the date of the poll, on the other hand Article 69 forbids procession at any time.

As laid down in Articles 77 to 80 of the Police Ordinance, each meeting or rally has to be submitted for permission to the police. But, no legal remedy for a delay in granting an answer is fixed in the law or in the manual of instructions to the police. A consequence of this is that many cancellations, changed dates, or substitutions of a meeting of one party by one of another were ordered by the police under various operational reasons, thus disturbing the political campaign.

Bribes and threats (Section 78 to 80 of the PEA)

According the reports of NGOs, the press and the political parties, bribes and threats are used as a means of voter coercion, and were more or less a common practice on a lower level.

Special attention needs to be given to the case of Samurdhi programme. Initially created by the Government for the rehabilitation of the poorest sector, the expenditure on the Samurdhi programme increased to 4,3 billion Rupees. This programme has also involved the recruitment of around 24 000 "animators". According to the press and several NGOs, the Samurdhi employees constitute a major source of manpower for the election campaign with disbursement of allowances, loans, equipment, jobs etc... The beneficiaries of Samurdhi programme were co-opted by the ruling party for electoral tasks under the threat of losing their benefits, and they were often instructed to show their marked ballot paper.

A complaint was made to the Court by the UNP Party three weeks before the poll. The Court gave an injunction directed to Samurdhi programme that Samurdhi animators should not be involved in political work during official working hours.

Possibilities of judicial recourse

Under Article 105 of the Constitution, the institutions of Justice are the Supreme Court, the Court of Appeal, the High Court of the Republic, and such other courts of first instance, Magistrates Courts, Tribunals or such institutions as Parliament may ordain and establish.

Criminal offences

Article 154 provides that there shall be a *High Court* for each province. It has competence to exercise the original criminal jurisdiction.

The Magistrates Courts have jurisdiction for minor offences punishable by imprisonment for a term not exceeding 2 years and/or fine of less than 500 Rupees.

But the complaints of the victims need the sanction of the Attorney General for prosecution. From 28th August until the 10th October 2000, 1353 complaints were received by the police. During the last presidential election, only 15% of the complaints received by the police were referred for prosecution and until now only a tiny fraction have reached the Courts.

The Court of appeal is competent to hear in first instance an election petition in respect of election to Parliament. Under Article 144 of the Constitution, the Court of Appeal has jurisdiction over election petitions in respect of the election to Parliament in terms of any law for the time being applicable on that behalf. A petition may be presented by any person claiming to have a right to be returned or elected, a person alleging himself to have been a candidate. A petition may be referred to claiming that the election of one or all candidates is void for corrupt practices etc.

The Court of Appeal shall decide within 6 months. The election judge may make an order that any ballot or other document which has been sealed be inspected, copied or produced.

The petition procedure is slow as a consequence and can be ineffective if its decision came too late to give a remedy.

Any appeal from an order or judgement of the Court of Appeal in an election petition shall be adjudicate by the *Supreme Court*. It may also be preferred against the determination of an election judge. The Supreme Court may upon any appeal preferred affirm, vary or reverse the determination or decision of the Election judge to which the appeal relates (Sec 104 PEA).

5. Election Environment and Campaign

The election campaign has been flawed by violence which can be broadly divided into two categories viz. that related to, and arising out of, the election and the conflict with the LTTE.

The former range in seriousness from shootings which regrettably resulted in a number of fatalities to fights between activists of different parties, and on occasion, between activists of the same party, to attacks on and sometimes destruction of election stands - so called offices, in reality temporary structures at the road edge, to tearing down and mutilating posters. It seems clear from our observers reports that while the vast majority of violent incidents could be classed as 'non-serious', all violence is to be deplored as intrinsically wrong because of its damaging affect on the victim and its demeaning and degrading of the electoral process. If a state purports to be a democracy it cannot tolerate an election process which directly leads to the death of citizens because the protection of the lives of its members is the first duty of the democratic state. Five people lost their lives on polling day alone.

The official statistics on violence have been provided by the police who have recorded 1593 incidents up to but not including polling day. On polling day there were 211 incidents. A local NGO, the Centre for Monitoring Electoral Violence (CMEV) reports that it received a greater number complaints of violent incidents for the same period. The discrepancy in the statistics may be due to a number of factors such as accessibility to, and empathy with, the receiving body, the supporting probative or corroborating material furnished or required. Irrespective of these statistical differences both sources confirm a significant level of violent incidents all of which are unacceptable.

They also concur in pinpointing certain areas as being particularly troublesome and violent, the areas are the Central and Western Provinces and these areas have been confirmed by our observers. There was considerable apprehension that polling day would be a flash point in these areas, especially the Kandy and Nuwara Eliya districts.

Unfortunately, so it has proved. While understandable because of the overall high demand on manpower, it is disappointing that it was not possible to deploy in these areas a sufficiently strong enough police presence on the day. It is all the more important, therefore, that the malefactors, irrespective of status or party affiliation, be brought to justice. These measures are necessary to reassure the citizen of the effectiveness and impartiality of the justice system of the state.

While the particularly violent areas attract the greatest attention it is important to note that in the greater part of the country the violence was sporadic and less serious during the campaign and polling day.

While the state must be ready to respond to violence a large responsibility lies on the parties and their candidates to rein in the aggressive enthusiasms of their activists.

The violence can be virtually entirely attributed to political activists of the two main parties and our observer's reports consistently identify the People's Alliance as being more frequently involved.

Encouragingly there were a number of incidences where candidates of the various parties came together publicly to pledge jointly their commitment and that of their supporters to a peaceful campaign. (Hopefully such an approach can be planned for on a long-term basis, with a view to having it adopted nationally by the time of the next poll). It is a pity that their example and leadership had not been replicated in all areas.

It is also to be regretted that an initiative taken by the joint chambers of trade and industry representing a hugely important sector of Sri Lankan life, to bring all the parties onto one platform, publicly and jointly to disavow by a symbolic shaking of hands was not supported by the presence of the two largest parties.

However the most serious violence that occurred during the campaign was as a consequence of LTTE actions.

In the Jaffna Peninsula the election campaign was almost non-existent (due also in part to the existence of armed political parties).

In the LTTE controlled "uncleared areas" in the North and East, normal election campaigning was rendered impossible. Furthermore, the menacing presence of the LTTE in the bordering 'grey areas' and its spillover effect distorted the elections also in these areas.

Additionally the most serious violent incidents occurred during the penultimate week of the campaign when over 34 people were murdered in two suicide bomb attacks. Many more were seriously injured and maimed for life.

Media access

As well as the misuse of government facilities referred to in the previous section, complaints were also received from the opposition parties of the use of the State Broadcaster by the ruling party for campaign purposes, while this possibility was excluded for opposition parties. This abuse of state resources was most evident in the final run-up to polling day, and in particular after the 48 hour moratorium on pre-poll campaigning had been imposed. Examples of this were two speeches by the President and the broadcasting of old footage showing the opposition UNP leader, Ranil Wickremesinghe, being investigated for his alleged involvement in torture and murder with the opposition having no right to reply.

6. Voting and the Count

Postal Vote

The postal voting took place on the 28 and 29 September and the teams deployed in the seven regions observed the process. No major incidents were reported to the Election Observation Mission Headquarters in Colombo. In some instances the secrecy of vote was not fully assured and in others the voting took place in places where the voters felt intimidated by the officials. There were no reports about ballot boxes not properly secured or handled in an improper way.

Polling Day

The polling procedures were uncomplicated. Polling cards were sent to the voters prior to Election Day informing the voter about time and location for the poll. The polling card is not a compulsory document and it is possible for the voter to cast his/her vote without the card and even without any identity card. There are procedures in place where the Party Agents or Presiding Officer can ask the voter to fill in a declaration of identity.

To avoid proxy voting (impersonation) the voters little finger is marked with indelible ink. The voters' number is indicated on the ballot paper counterfoil, which in theory makes it possible to trace a single ballot paper back to a specific voter. After receiving the ballot paper the voter mark with an X for the party of his/her choice and in addition to that he/she can mark up to three candidates (preferential vote). There is no internal rank between the candidates.

The total number of polling stations in Sri Lanka is 9946 in 22 electoral districts. The Polling Stations were to open at 7.00 a.m. In 40 Polling Stations observers followed the opening of the poll. In general, the opening of the Polling Stations was reported to have been on time, which indicates that the administrative preparations had been successful.

From all regions and polling divisions the observers reported that the Presiding Officer and the staff were committed to perform a good job and the level of cooperation was high. The Presiding Officer always provided the information asked for. Observers reported that the voters in general were aware of the voting procedures, which made the voting procedure smooth and efficient.

The 38 observer teams, including the Core Team, submitted a total number 429 reports on the polling procedures. The reports were processed on Polling Day and the day after at Headquarters in Colombo. The number of reports per region (mission deployment area) and per electoral district is shown in diagram 1 and 2.

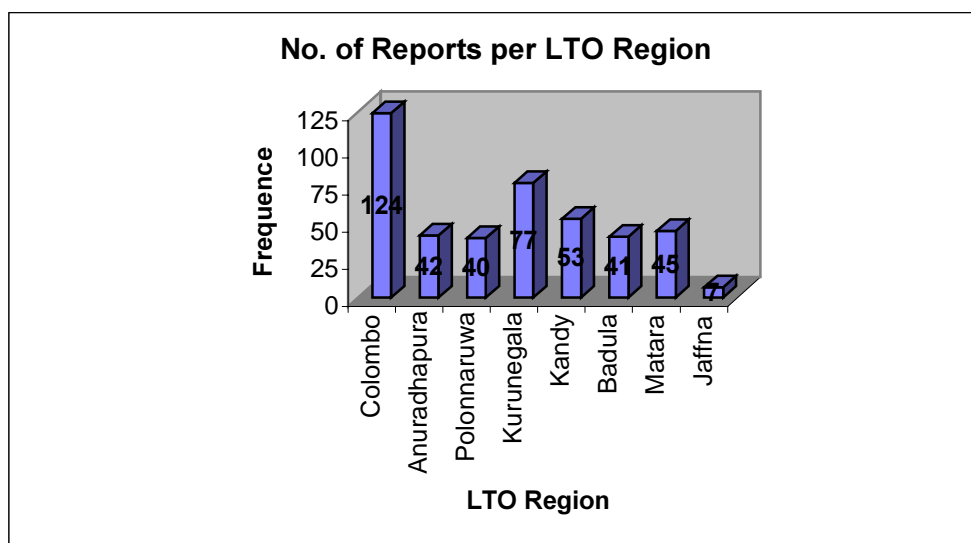


Diagram 1

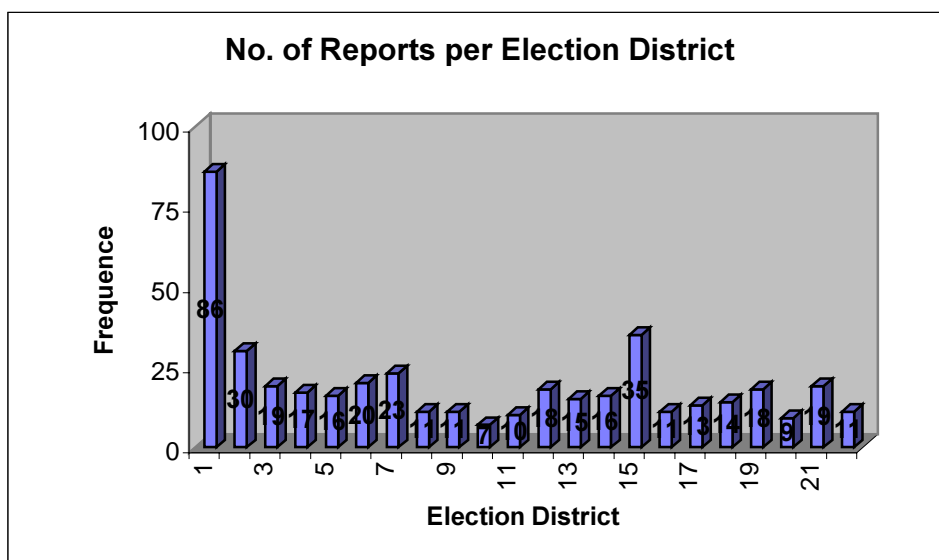


Diagram 2

According to the reports the polling was carried out smoothly and with only minor irregularities, in most areas. Observers reported that parties/candidates were campaigning close to polling stations on Election Day in 14% of the visited polling stations. The campaign was concluded Saturday the 7th October and no one was allowed to carry out campaigning activity after that. Despite the regulations in the Electoral Act observers reported that campaigning was carried out during the two days prior to Election Day (8 and 9 October). Furthermore, several teams reported campaign activities on polling day and in most cases reported PA supporters were involved.

In 6,2% of the polling station visited observers noted that unauthorised persons were inside the polling station. Any interference and presence by unauthorised persons in polling stations can have a direct impact on the voters present.

Observers reported in one out of 9 polling stations that the secrecy of the vote was not secured. The layout of the polling station was mainly the reason, and in most cases it was possible for the Presiding Officer to look straight into the polling booth. In the instructions to the Senior Presiding Officer it is stated that he/she "is able to see every function within the polling station clearly, especially the tables of clerks, representatives and the voting cubicles". These instructions could in some instances have been interpreted too literally. The problem with the secrecy of the vote must be addressed by the Commissioner in the future and more detailed instructions to the Polling Officials must be issued.

The quality of the ink was questioned in reports from the observers and the application procedure was reported to be inadequate in some polling stations. The ink plays an important role in an election process where the voters can vote without registration and identity card, and is the instrument used by the officials to avoid proxy voting (impersonation).

Intimidation of voters close to polling stations was reported in quite a number of instances. Party activists and some prominent candidates were driving around in motor vehicles close to polling stations and threatened the voters and in some cases the police. It was most serious in the Central Province (especially the Kandy district) where serious electoral abuse took place. A team in the Anurahapura region also reported that campaign materials and false ballot papers were handed out to voters without any reaction from the police. The Election Commissioner subsequently acted on all these matters to protect the integrity of the poll.

The observers were asked to give an overall assessment of the process in the polling stations they visited in a 4-grade scale from Very Bad to Very Good. In 2,0% of the visited polling stations the judgement made by the observers were Very Bad, and in 8,3% the rate was Bad. These figures are in comparison higher than in many other countries where the same methodology, reporting forms etc, has been used. The overall assessment in Central Province, covered by the observer teams deployed to Kandy, was reported to be worse than the average for the whole country. The percentage for Very Bad and Bad was 7,7% and 19,2% respectively. In Anuradhapura the percentage for Bad was 17,5% (no Very Bad reports).

Counting Process and Results

After the close of the poll at 16.00hrs the observers were instructed to follow the ballot boxes to the counting centres. The observers reported that the boxes were secured and that the transportation of the boxes to the counting centres was carried out in a secure way.

The number of counting centres visited by the teams is not possible to give due to the fact that several centres were situated at the same premises.

The counting process was time consuming and started late in several places, according to reports from the observers. Despite that the counting was carried out in a professional way and the people involved did a very good job. A general comment from some observer teams were that the counting centres were responsible for too many polling stations, which of course have an impact on the process and delayed the results.

Observers reported a few incidents from outside the counting centres, but within the premises of the counting centre no authorised persons were present.

The observers were asked to give an overall assessment of the counting process in the counting centres they visited in a 4-grade scale from Very Bad to Very Good, see table 3 below.

Very Bad	Bad	Good	Very Good
-	3.2%	58.1%	38.7%

Table 3

In 22 polling stations the Commissioner annulled the election due to irregularities that occurred during the voting process on polling day. The Electoral districts affected by the decision is shown in table 4 below. The number of voters in each district was too low to have any impact on the final result in the districts, but still a number of voters were disfranchised by the decision taken by the Commissioner.

District no.	Electoral District	No. of Polling Stations	No. of affected voters
4	Mahanuwara	13	16.606
5	Matale	1	861
6	Nuwara-Elya	4	2656
9	Hambantota	1	541
21	Ratnapura	2	1880
22	Kegalle	1	880

Table 4

In 47 polling stations throughout the country the Commissioner decided to invalidate ballot papers that did not bear the official sign or had a number, which was not in accordance with the delivered ballot paper numbers (stuffed ballot boxes). In the polling stations visited by the observers there were no reports about ballot box stuffing.

Turn out

The Election Commissioner reported an overall turn out of 76%, which is in accordance to the figures reported by the observers. The low turn out figures for Vanni and Jaffna districts are also in line with the results reported. Out of 50 polling stations in polling division Kilinochchi, in Jaffna district, only 8 polling stations were open on polling day and the other 42 were annulled. This of course had an impact on the turn out, but the low figures in Jaffna district are also affected by the general situation in the Jaffna region. Observers also reported the poor quality of the voters register in the Jaffna district. In Vanni district, Mullaitivu division, only one out of 50 polling stations were open and the other 49 were declared annulled by the Commissioner. This affected more than 50.000 voters, which has a direct impact on the turn out.

The turn out figures reported by the observers are shown in diagram 3. The data displayed after 16.00 hrs, the time for the close of the poll, is explained by the fact that the time used in the diagram is the observers' departure time from the polling station.

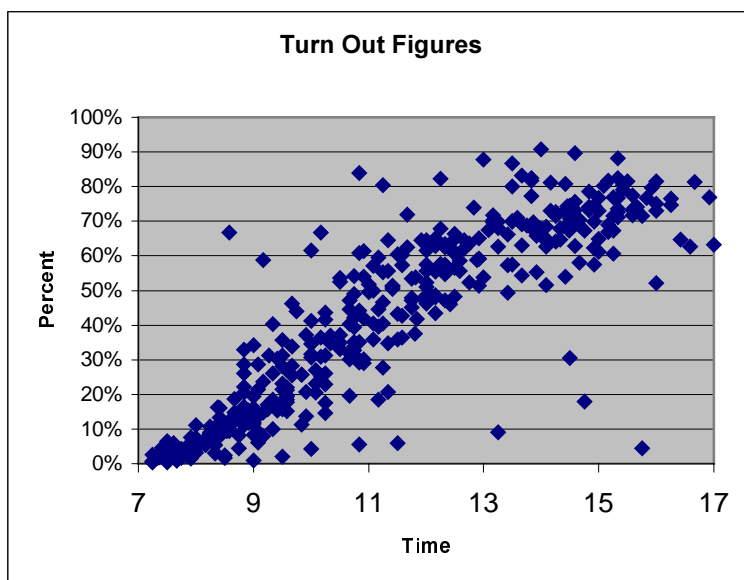


Diagram 3

The Commissioner announced the official results, distribution of seats, on the 12th of October, and the following day the results of the preferential vote.

Vote cost per seat (Conversion of votes to seats)

Sri Lanka is divided in 22 Electoral districts and among them the 196 Parliamentary seats is distributed according to the number of voters in the registers. The "cost" per seat is not even among the Electoral districts, it goes from 35.500 in district 11, Vanni, to 69.500 in district 1, 2, 3 and 10 (Colombo, Gampha, Kalutara and Jaffna). The Observation Missions is aware of the problem of keeping proper registers in the north, which explain the uneven cost for the seats.

The "cost" per seat is shown in diagram 4. The two curves in the diagram shows the theoretical and actual "cost" per seat. The accuracy of the voters list must be addressed

and there is also a need for new borders between the constituencies so the weight of the vote is equal all over the country.

The remaining 29 seats in the Parliament are distributed on national level with the whole country as one constituency.

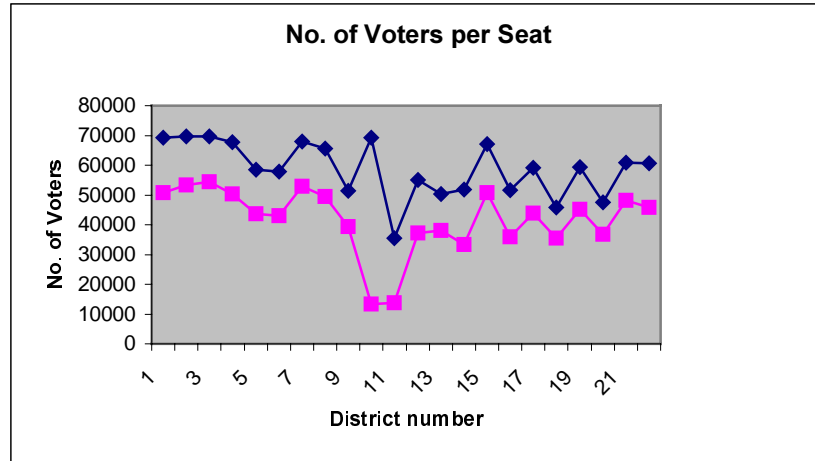


Diagram 4

7. The Sri Lankan Media

Introduction

In general terms Sri Lankan media can be divided in two distinct categories; Government owned and controlled media, and privately owned media. Both are unfortunately highly partisan. An article in the Government media addressing the same issue as an article in the private media appear often to address two unrelated issues when viewed side by side. This refers especially to political and military news. Independent, objective reporting is hard to find. The Government controlled media naturally supports and promotes the PA while the private media is often fiercely anti-PA. While some private media are clearly supportive of the main opposition party UNP, some are taking a more neutral line in that respect. Both electronic and printed media are available in English, Sinhala and Tamil.

The reports of the local media monitoring organisations confirmed this bias in reporting. They also pointed out that the support to 'Yellow ribbon' campaign for Free and Fair election got much less coverage in the Government media than in the private media. The Government media also attacked strongly the Election Commissioner during the 'sticker' controversy. State media also failed to report on the judgement of the 'Samurdhi case' in which the court limited the political rights and activities of Samurdhi officials during their official hours.

The Government controls the Associated Newspapers of Ceylon LTD, the Lake House Group, which publishes the Daily News, Sunday Observer, Dinamina (in Sinhala) and Thinakaran (in Tamil) and many other dailies, weeklies and magazines. They have a total of 28 publications. The Government also controls the Sri Lanka Rupavahini Corporation (state television) and the Sri Lanka Broadcasting Corporation (SLBC), which have the best and widest coverage all over the country.

There are several private media groups. Wijaya Newspapers publishes the Sunday Times, Lankadeepa (largest circulation weekend sinhala paper), Daily Mirror and Midweek Mirror. Upali Newspapers Ltd. publishes the Island and Sunday Island newspapers, Divaina (in Sinhala). Leader Publications publishes Sunday Leader and its equivalent in sinhala, Irida Peramuna. In addition there are other smaller groups. There are also several privately owned commercial radio and TV-stations. However, their coverage of the country is not as good as the state electronic media.

When the PA Government came to power in 1994, one of their election pledges was that they would privatise the Lake House Group. However, since then they have changed their mind. The former Media Minister said that the Government needs the State Media to counter the private media which is critical of the Government policies.

Allocation of campaign time in the Government broadcast media

The Commissioner of Elections allocated to each party a specific amount of time in the Government broadcast media according to the relative importance of the party i.e. certain number of minutes based on the number of districts the party was fielding candidates. The parties were free to use the time allocated to present their political program as they wished. There were no complaints as to this allocation.

However, the problem arises with other programmes in the broadcast media i.e. the news, talk shows and documentaries, which in the Government controlled broadcast media were used openly to promote the ruling PA. News on the opposition was often communicated in a negative context. The Government broadcast media was also continued to be abused for electoral purposes even after the deadline for campaigning was passed.

Campaign in the media

Much of the campaign coverage in the media could be just described as 'mud-slinging'. The focus is mostly on discrediting the other side rather than on substantive argumentation and presentation of alternative political programs, which would provide the voter a positive reason to vote in a particular way.

Misuse of Government resources was also clear in the campaign advertising in the press. State corporations, ministries and different public sector institutions had huge numbers of full one page color advertisements in the newspapers on the achievements of the PA Government with photos of ministers and deputy ministers who were candidates in the election.

Interestingly, compared to the previous elections, especially in the private media there were more efforts to educate the voters than previously. The Yellow Ribbon campaign for Free and Fair Elections, launched by the Free Media Movement, received a lot of publicity. This was even strengthened when the Olympic bronze medal winner in womens' 200-meters publicly supported the campaign by wearing the yellow ribbon. Different NGOs also urged the voters not to vote candidates, who resort to violence in their campaigning. Also the role of women voters was stressed though evidently the message did not quite get through as only 9 women were elected.

Censorship

With the declaration of the State of Emergency in May 2000 the censorship of media was tightened. Even two newspapers were ordered to be closed in June for breaking the censorship rules. However, when the Court in July judged that the closure was illegal and these papers were allowed to be published again, the implementation of the censorship rules was made less strict. Advance checking of articles by the government censor is not anymore compulsory but the editor should exercise some 'self-censorship' so that rules are followed. Still the papers carry the following reminder: "All reports and comments on military affairs and all news and comments, which in the opinion of the Competent

Authority may be prejudicial to the interests of the national security or the preservation of public order are subject to censorship under Emergency Regulations"

Under these regulations the media is subject to censorship in five areas:

- Material connected with National Security and public interest.
- Material connected with the preservation of public order.
- Material connected with supplies and services essential to the life of the community.
- Material that would encourage persons to commit breach of any law or incite or encourage persons to mutiny, riot or civil commotion
- Military operations past or future, official conduct of the Security Personnel in preservation of National Security, procurements and placements of weapons and military equipment and deployment of troops. With regard to the above the media may follow the official statements, releases issued by the relevant organizations. The media also should refrain from reporting any matter that would affect the morale of the Security Forces.

The result of this censorship is an astonishing lack of information about anything related to the conflict with the LTTE, or on any aspect of life within the so-called 'uncleared' areas in the North and the East.

The censorship mostly limits information on the military operations, even though rules are now clearly more relaxed than before. This is for instance shown by the fact that the columns of the defence correspondents even carry maps, which just a few months ago was not allowed. Visits of journalists to conflict areas are limited to few Ministry of Defence organised trips, usually after the army has made some gains. During the election period the MOD allowed also foreign journalists to visit the Jaffna Peninsula.

Criminal defamation

One of the main points of criticism from the media and organizations promoting press freedom relates to the issue of Criminal Defamation in Sri Lanka. Under this law a journalist or editor can be charged with the crime of defamation of character. Two editors of private English newspapers have been charged and sentenced under this law following publication of articles interpreted as defamatory to the President. Their appeal to a higher court is still pending. Despite suggestions to repeal this law no action has been taken so far by the Government.

Self Censorship

While the official censorship may be focused on issues of national security and on military operations, many of the journalist, in particular the regional correspondents, spoke of imposing a self-censorship. While the reporters in the capital are primarily staff reporters the regional reporters are predominantly freelancers for whom the journalistic role is not their primary source of income. Many of these freelance regional correspondents are employees of the state, many as teachers and administrators who report having to impose a strict self-censorship out of fear of losing their state employment.

Tamil regional correspondents reported imposing similar self-censorship out of a fear of being associated with the LTTE.

The international media

International news channels, CNN and BBC, are broadcasted by two private television channels, Dynavision and MTV, while they do not show other programmes. The Sri Lanka Broadcasting Company (SLBC) also transmits BBC radio world news, including in Sinhala and Tamil. There is also a cable television system, limited to Colombo and surroundings, transmitting the BBC. In addition to that many hotels as well as private people have their own satellite receptors.

During May-June 2000, when the censorship rules were strictly implemented, the television stations were forced to block any news on Sri Lanka but since then the situation has changed. Even at that time the BBC radio news were transmitted mostly without censorship by the Government controlled SLBC, as the contract between the SLBC and the BBC says that the news have to be transmitted without any censorship.

International newspapers (mainly International Herald Tribune) and magazines are available in major hotels and in bookshops.

Several international news agencies, including the AFP, AP, BBC, Reuters and Voice of America, are also represented in Colombo though often through local correspondents. The local newspapers often reproduce articles on Sri Lanka provided by the international news agencies. Sometimes for news, which could be considered sensitive, it seems it is easier for them to quote an international agency than to write the article themselves.

The use of internet is rapidly increasing. During the time of the strict implementation of the censorship, the international internet news websites were much used, including the ones run by the LTTE.

Post election violence

As has been experienced in the previous elections, violence continues also after the elections is over and the results are known, The violence has mainly been attributed to the PA Government supporters against the UNP supporters. The Police Elections Secretariat is going to continue monitoring the situation for a couple of months after the elections.

The forms of violence reported have ranged from murder, to attempted murder, robberies, attacks on party offices or houses of UNP supporters.

8. Conclusions and Recommendations

At official level the Mission received full cooperation in a friendly and courteous atmosphere. The Mission's Observers consistently reported the warm welcome they received from the man and woman in the street who were aware of the nature and purpose of the Mission.

Immediately on arrival in Sri Lanka the Mission adopted a two pronged approach to the task of introducing and selling itself; by availing of the interest of the local media and by a wide ranging series of meetings with relevant bodies and persons.

A well-attended press conference within days of arrival enabled the Mission to explain its objective, its composition and methodology. This was followed up by radio and TV appearances. On all these occasions great emphasis was placed on the objectivity of the Mission and its strict policy of avoiding any involvement or appearance of involvement in the affairs of Sri Lanka.

The importance of this policy stance became apparent during the series of meetings with political parties, groups of citizens, NGOs and state agencies.

With the exception of the latter, most of the other meetings involved the presentation to the Mission of a list of allegations of misbehaviour by political party activist of varying degrees of seriousness and violence towards others and between themselves. The Mission also heard allegations against the Police of apparent inaction or ineffective action. There was an expectation on the part of those making the complaints that the Mission could somehow be their interlocutor in pursuing their complaints and some disappointment resulted when it became clear that this could not be the case, though it was generally accepted that to behave otherwise would have dragged the Mission into a judgmental role in an internal matter. Despite these constraints, the meetings were valuable for the perspective they supplied though the opportunity of contrasting the different complaints. The fact that these meetings continued almost up to polling day showed they were valued, probably as a safety valve, to politicians under pressure.

The Mission's knowledge was particularly enhanced through meeting and hearing the domestic election monitoring NGOs, PAFFREL and CMEV, whose dedication to the democratic process, often in an atmosphere of hostility, was hugely impressive. They play an invaluable role in the electoral process.

The Mission also met the President and prior to this the Secretary General of the Dept. of Defence whose advice and cooperation in the logistics and security aspects of the mission was most helpful.

The Mission had several meetings with the Police in the persons of Deputy Inspector General Savarasinghe and Senior Supt. Raban. They briefed the Mission on the plans for police deployment particularly on election day and the count and the Mission accepted

their commitment to ensure as far as possible a peaceful election and their determination to pursue alleged wrongdoers to trial.

The Mission through the person of the Chief Electoral Observer held three meetings with the Heads of Mission of the embassies of EU Member States who are represented in Sri Lanka. These contacts were extremely beneficial and ensured regular contact and exchange of information.

Electoral Management and Administration - Recommendations

The first meeting after arrival in Sri Lanka was with Mr. Dayananda Dissanayake, Commissioner of Elections. The discussion was in depth and frank. The Mission came to an initial view that the Commissioner was independent, determined to remain so, and fully confident in the ability of himself and his staff to conduct the election and count in an efficient and proper manner. Subsequent meetings and events confirmed this initial view.

This wide ranging series of contacts plus the detailed reports from the Observers in the field gave the Mission a comprehensive overview of the electoral process in Sri Lanka and as a result enables it in accordance with its instructions to offer the following recommendations, acknowledging that their adoption and implementation are exclusively a matter for the authorities in Sri Lanka. The high degree of violence is the main obstacle in the democratic process in Sri Lanka and was the Mission's greatest concern.

1. Electoral registration should be reviewed in line with international standards and practices. In this connection a census would be a very useful pointer.
2. An independent Election Commission should be established to carry out all necessary preparation for elections, including the delimitation of constituencies, with power in the areas of campaign finances, access to the media and other aspects related to campaigning. It should consider involving the political parties in the administration of the electoral process in order to increase confidence in and the transparency of the process.
3. The size of election districts should be reviewed to ensure the number of seats per district reflects the number of registered voters in each district (conversion of votes to seats)
4. A Code of Conduct for election campaigning should be established providing for sanctions for breach of it.
5. Government resources should not be used for partisan electioneering and should be subject to monitoring by the Election Commission.
6. The Parliamentary Elections Act should be reviewed in light of the experience of the election.

7. A speedy and effective procedure for election Petitions should be devised.
8. The sole power of the Election Commissioner to grant or refuse the registration of a political party should be reviewed.
9. The issue of voter identity should be addressed. This was a frequent cause of complaint and friction.
10. In the absence of voter identification procedures, the little finger of those who had voted was marked with indelible ink so as to prevent second or multiple voting. Indelible ink that really is indelible must be available in all polling stations to ensure the effectiveness of this stratagem.
11. Voter secrecy must be safeguarded. Senior Presiding Officers must be instructed that in arranging their polling stations they must ensure that while they maintain an overview, the voter can vote in secret. Proper voting booths should be designed and provided.
12. Arrangements should be made by law to allow domestic observers to be present in polling stations and at the count.
13. The Election Commissioner and the Police should formally liaise to facilitate the deployment of police to troublesome areas.
14. Complaints to the Police arising out of an election should be uniformly referred to the prosecution service after investigation. Complaints not so referred should be recorded giving the reason for not referring and these records should be available to the Election Commission.
15. The procedures for compiling the list of postal voters should be so transparent as to show that those listed both claimed and are entitled to vote by post.
16. The feasibility of starting the count when the first box arrives rather than waiting for all boxes to come in should be examined.

Role of Observers

The Presence of the EU Electoral Observation Mission played an important role in providing moral support and encouragement for the Election Commissioner and his subsequent actions.

It helped build confidence among the electorate and contributed to reducing tensions and being a deterrent against political violence.

The experiences of the Mission should be examined and lessons learned for the preparation of future missions.

Annex A Interim Statement

Introduction

The European Union's Election Observation Mission to Sri Lanka's Parliamentary Elections on October 10 issues this statement of preliminary findings.

The EU mission was convened following an invitation by Sri Lanka's Commissioner of Elections, Mr Dayananda Dissanyake. The EU Observer Mission has been received very positively throughout Sri Lanka. We have received excellent cooperation from all the election officials, the political parties, the government of Sri Lanka, the police force and the people of Sri Lanka.

Statistical Representation of Teams and Coverage

This statement is based on the observations of election preparations and the campaign by 7 Core Team members for four weeks, 28 long-term observers deployed throughout the country for 3 weeks and 42 short-term observers deployed 10 for days. These observers have come from 14 of the member states of the European Union.

On polling day the observers covered in excess of 400 polling stations in all 22 electoral districts, including Jaffna.

The EU also observed the counting process in centres throughout Sri Lanka.

The Commissioner of Elections

The EU Election Observation Mission has been impressed by the expertise and commitment of the Commissioner of Elections and his staff. The Observer Mission has met with Mr Dissanayake and his officials on numerous occasions to discuss the details of the Commission's task and we are satisfied that he has taken all necessary steps to conduct this election within the legal framework available to him.

Election Environment and Campaign

The Postal Vote

Some irregularities have been reported about the Postal Vote but it has generally been conducted according to the law.

Use of Government Resources

There has been clear evidence of the misuse of government resources for campaigning purposes throughout the island. This includes the use of government vehicles and other facilities for campaigning purposes.

There is a particular concern, which was also the subject of court action, about the role of the Samurdhi animators in the election process.

The Media

There was not equal access for all the parties in the government controlled media, particularly in the concluding days of the campaign following the moratorium on campaigning.

The Close of Campaigning

Certain party activists did not respect the law following the close of campaigning at midnight on Saturday 7 October. Campaign activities of various types were observed in some areas.

Campaign Violence

The election campaign has been marred by violence.

The most serious violence to occur since the mission arrived were the two bomb attacks on the PA Rallies in Muttur and Medawachchiya where there was a huge loss of life. Additionally it has to be acknowledged that no normal political activity has been possible in the 'uncleared' areas controlled by the LTTE.

During the campaign our observers have reported a worrying level of electoral related violent incidents ranging in seriousness from murder, to shootings, to assaults, to damage to property. They did tend to occur most frequently in a few areas, but happily many parts of the country were free of serious violence.

Polling Day

Violence

The most serious violence that occurred on polling day was concentrated in Central Province. In other parts of the country the incidence of violence was neither of the same frequency nor of the same gravity. However, it has to be stressed that violence is unacceptable in any part of the democratic process.

The effective deployment of the police coupled with less aggressive behaviour on the part of the political parties contributed to the lower level of violence in these areas.

Clearly these two factors were absent in the situation in Central Province.

Machinery on Polling Day

Information received from our observers indicated that the administration of the election on polling day was well organised and efficiently conducted with the exception of two factors. Many observers found that the positioning of the voting booths could have prejudiced the secrecy of the ballot. Additionally there was concern regarding the quality of the indelible ink in some places.

In this election it would seem that apart from the areas that have already been identified as a source of major problems, the integrity of the ballot boxes, including the opening and close of poll and their subsequent transfer to the counting stations, has been well protected. A positive new factor contributing to this was the decision of the Election

Commissioner to allow party agents to accompany the ballot boxes into the counting centre.

There was universal recognition that the count was conducted professionally and efficiently albeit in circumstances which were occasionally physically uncomfortable.

Active Campaigning on Polling Day

Contrary to the Parliamentary Elections Act, several incidents of political activity were witnessed on polling day.

Summary

Our observers during their mission identified areas of particular concern because of the level of violence and dubious electoral practices. Their observations on polling day confirmed our earlier fears. We are not surprised that the Commissioner concluded he had no choice but to annul the election in certain areas.

It is a matter of regret that the selfish activities of some candidates and their supporters, which lead directly to this unhappy state of affairs, have disenfranchised the very people they sought to represent.

We acknowledge the commitment of the people of Sri Lanka to protect the democratic process which they demonstrated by the high turnout on election day.

John Cushnahan, Head of Mission, Colombo, October 12

Annex B The EU Observation Mission

The final decision to send an EU Observation Mission was taken on 13th September.

Establishment and Deployment of the Core Team

Considering the nature of this operation and the mission's mandate, a Central Observation Unit, or Core Team, was deployed on September 19 for the duration of the mission.

The members of the Core Team arrived in Colombo on Tuesday 19 September and Wednesday 20 September.

John Cushnahan, an Irish Member of the European Parliament, was appointed by the European Commission as Head of Mission, or Chief Observer.

The rest of the Core Team was comprised as follows:

Deputy Chief Observer:	Anders Eriksson
Political Adviser:	Patrick Cooney
Elections Adviser:	Gilberte Deboisvieux
Media and Research Adviser:	Peter Cross
Training and NGO Liaison Adviser:	Lennart Jemt
Security and Logistics Adviser:	Jérôme Pons

Logistic Support

In line with other election operations, an EU mission needs to be administered and supported logistically through a service contract with an established organisation able to set up an operation rapidly. The selected organisation must have an established network in the country as well as previous experience in dealing with local administration and observation missions.

Because of the urgency, the short duration and the particular nature of this operation, the Commission signed a service contract by private treaty (in accordance with Article 118 par. 2 of the Financial Regulation).

In the case of Sri Lanka, the choice of the implementing partners was limited to the GTZ. This organisation had an already established network of one central and five regional offices in Sri Lanka. It also had a proven experience of management of EU Electoral Observation missions. The Sri Lankan Ministry of Foreign Affairs, during meetings with the NAM, had expressed its opposition to the use of a UN agency and its strong preference for a European-only operation².

The GTZ had to perform the following tasks, among others:
Activities to be carried out in Europe.

² See "Note for the File" produced by the Commission Delegation in Colombo in annex.

The contractor operated from its headquarter in Europe and its office in Brussels. It received, from the European Commission, a list of selected personnel to be recruited. On the basis of that list it recruited and signed individual contracts with all members of the central observation unit, campaign and short-term observers. The contractor arranged international flights for all personnel to be deployed and provided them with all necessary supporting documents such as air tickets and information about procedures for obtaining a visa free of charge, as ensured by the Elections Commissioner.

Activities to be carried out in Sri Lanka.

Adequate office space for the Central Observation Unit in Colombo was provided. The Office space was equipped with furniture, information equipment, access to the Internet and email, telephone and communication equipment. Transport for the central observation Unit and the campaign and short-term observers was provided as foreseen in the budget.

Observers were received at their arrival and accreditation was provided through the appropriate channels.

Procurement procedures for all material to be included into the observers' pack, including telecommunication equipment, was carried out according to specifications established by the Central Observation Unit.

The contractor provided advice on accommodation for all personnel both in Colombo and at regional level.

Annex C Public Presentation of the Observation Mission

The high profile of the mission and the high expectations for the mission resulted in a frequent focus in the local media. The Needs Assessment Mission in August received a lot of press coverage and this was continued through the Commission's decision to send an observer mission and through the mission itself.

Following the arrival of the Core Team, the Head of Mission held a press conference for the local and international media with the express purpose of briefing the media on the role of the Mission. This first press conference was attended by 50 journalists and initiated the media coverage that the Mission generated (see Annex). During the Mission's presence in Sri Lanka it received front page coverage in the local print media almost every day. In addition to this the broadcast media regularly reported on the mission's role, including a number of interviews with the Head of Mission. Numerous visuals of election observers in their election observing regalia were carried on both the government and independent television channels. The Deputy Head of Mission appeared on a talk show with the local observer groups PAFFREL and CMEV presenting the role and methodology of the EU's mission.

Most of the publicity was either positive or neutral, but nonetheless there were a number of articles and editorials that were critical. Towards the beginning of the mission the critical articles appeared mainly in the pro government media, with the independent media being supportive. This went through a few swings as the campaign progressed.

Press Releases and Contact with the Press

The Mission issued several press releases detailing its operations. In addition to these press releases the Media Advisor had daily contact with the larger newspapers and broadcasters. Contact with the independent newspapers and broadcasters was far more regular than with the state owned media.

Mis-quotation

A regular problem experienced by the mission was misquotation and inaccurate representation of what the mission had said. Following a few such incidents the Media Advisor met with the Press officers in some of the national delegations where this problem had also been experienced. Following advice the Media Advisor adopted a policy of only issuing written answers to the more complicated questions. Written statements were more often than not printed word-perfect.

The International Media

The Chief Electoral Observer recorded interviews for BBC World, CNN, APT, Reuters and several broadcast and print media from member states of the European Union.

The experience overall was positive and conducted to a highly professional standard.

However, there was one incident that caused some concern. Following the announcement of the results by the Election Commissioner and the final press conference held by the EU Mission, the BBC misreported the Election Commissioner. In an extract from an interview with him the BBC broadcast the Election

Commissioner saying that the elections had not been free and fair and at the same time reported that the EU mission commented that they reasonably reflected the will of the people. What the BBC had misrepresented (albeit not deliberately) was the fact that the Election Commissioners comments only referred to those polling stations which he had declared null and void. In his statement the Election Commissioner had declared the overall result to be a valid one.

This fact was underlined by the Centre for Monitoring Election Violence's condemnation of the Elections Commissioner for declaring the overall election result to be free and fair.

Annex D Meetings

Meetings were held with the following:

The President and Minister for Foreign Affairs;

The Secretary General of the Department of Defence

The Deputy Inspector General of the Police/local police officers

NGO's including PAFFREL and CMEV

Local citizens groups

Local State Agencies

Representatives of the Political Parties

Heads of Mission of EU member states represented in Sri Lanka

Election Commissioner and his staff throughout Sri Lanka

Annex E Training, Deployment and Logistics

Long Term Observer Training (LTO)

The first group of LTOs arrived on the 22 of September and the rest came in the following days which resulted in having to conduct three training sessions for the LTOs.

The Core Team had received the CVs from the delegation, which was a great help in planning the seminars. Unfortunately, three days had to be allocated to the training as the arrival of the LTOs was spread out over several days, which lead to that the Core Team having to spend a lot of time planning and conducting the training. For future mission it is advisable to have the LTOs arriving in the host country on the same day. If the observers had arrived on the same day it would have been possible to carry out a more thorough two-day training for all observers.

Since the LTOs had wide disparities in their knowledge of elections, observations and country specific background, the training seminars had to be conducted in a general manner. All of the LTOs received an adequate training with regard to the Electoral Act and the voting procedures. Furthermore, a general background on the political situation in the country was given. The seminar also covered the election observation methodology, including the campaign period, polling day activities and the counting process. A major part of the training concentrated on security and communication issues, see Annex E1)

Every observer received a briefing pack with extensive background material, including country specific and election information, contact details and procedures about what to do in an emergency situation.

Short Term Observer Training (STO)

The training of the STOs was conducted on the 5th of October, more or less following the same concept as for the LTOs, but excluding the campaign period observation training, see Annex E2.

The Core team had also received the STOs CVs from the delegation, which was again a great help in the planning of the seminar and for the deployment.

It was the responsibility of the regional coordinators to brief the short-term observers on regional specific issues on their arrival in their allocated region.

Every observer received a briefing pack with extensive background material, including country specific and election information, contact details and procedures about what to do in an emergency situation.

Debriefing of observers

On the 12 of October all observers were debriefed in Colombo. The observers were debriefed in regional workshop groups in the morning, and after that the regional coordinator presented each region's findings to the Core Team and assembled observers.

Logistics and Communication

Mission set up

The EU Observation mission team was operational in Sri Lanka as from the 19th of September 2000, less than a week after the final decision being taken in Brussels to set a mission for the parliamentary election on October 10th 2000. Observer schedule.

The first long term observers arrived in country on the 21st of September and the following days. 28 observers were briefed in three groups and deployed by team of two in the provinces by the 25th of October. 42 short terms observers arrived by the 4th of October, were briefed in the 5th, paired up with LTOs and deployed on the 6th of October 2000. A small group arrived on the 6th and were deployed the same day.

All the observers, LTO and STO returned to Colombo on the 11th of October 2000. They were all debriefed by the mission on the 12th and returned to Europe on the 13th/14th of October 2000.

Province	Number of teams
Colombo	11 teams (incl. Core Team)
Anuradhnapura	4 teams
Polonnaruwa	3 teams
Kurunegale	6 teams
Kandy	5 teams
Badulla	4 teams
Matara	4 teams
Jaffna	1 team

Based in the 7 provinces of Sri Lanka, 38 observer teams, including core team staff, covered all 22 electoral districts and 400 polling station (out 9.946).

In terms of planning, the mission would have appreciated if long term observers could have been sent in one group so that training and deployment would have been less demanding.

Deployment methodology

Number of observer team in each region was evaluated based on voter population figure.

The rough estimation of number of teams available was then cross checked with LTOs opinion in each region. Final allocation of teams broadly respected the needs expressed by the LTO coordinator based on local consideration.

Pairing up was made in consideration of several criteria. In order to benefit from the experience of the LTO, each LTO was teamed up with a short term observer. The mission then took into consideration the observer experience with election matters

and with Sri Lanka situation. Furthermore as far as possible teams were gender balanced. Finally arrival date were consider to be able to deploy at least an even number of observer in each region for each deployment. The mission conducted three deployments in total: 2 for LTOs and 1 for the STOs.

Mission Structure

The Core Team was co-ordinating the mission from Colombo. In order to ascertain a proper implementation of observation rules and security procedures, 8 LTOs were selected to become co-ordinator for their region. They were the focal point for mission HQ in each province. They organised the task of the observers, identified area of concerns and security risk in their area of responsibility. Although not originally recruited specifically for the task, the LTO co-ordinator did a tremendous job.

Province	LTO co-ordinator
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The mission was based in the 3rd floor of the Hilton Hotel in Colombo. All observers where accommodated in the hotel upon arrival to and departure from Colombo. 4 rooms made up the mission office: one dedicated to the mission secretariat, one for the core team, one for the Head of mission (for the final week) and one for the LTO/STO covering Colombo region.

Office equipment were provided by the GTZ. The office was supplied with land lines, two mobile phones, two fax lines, internet access with 2 email addresses, and VHF and HF radio system, a copy machine, up to 7 computers and 4 printers. GTZ logistic was in place when the EU observation mission arrived, allowing the team to start working with no delay.

Transportation

6 cars were available for the core team transportation. In addition, GTZ provided 30 vehicle (regular cars, van and 4x4) for the deployment of observers. No significant problem concerning cars were reported during the mission.

Visibility

Visibility is key element to promote the European Union. In addition, political parties and terrorist groups are believed to respect internationals working in the country. The mission sets as a security rules to have a high profile and high visibility. Observers and observers vehicles were to be highly visible and easily recognisable by any parties involved in the election process. All the cars were customised with EU sticker and flags, bearing the marks of the EU observation mission in English, Sihalese and Tamil.

Interpreters

Vehicle drivers were recruited to become driver/interpreters for the mission.

Unfortunately, as indicated by the ob servers during the debriefing session, several were not able to perform as interpreter thus creating problems for the teams in the field. Solutions were found locally as each team could employ interpreters, paying them with the petty cash given to them at the beginning of the mission. Should another mission be implemented, one should consider hiring professional interpreter in addition to the driver assigned to the team

Accommodation

Observers were accommodated in hotel in each of the province and district of deployment. The original deployment of LTOs was in 6 provincial centers. On the eve of election day, in order to increase the coverage of the mission, the teams where based in 19 different locations. Accommodation in the south and west part of the country were provided by regular tourist hotels. In Vavunya, Trincomalee and Batticaloa, accommodation was provided by the United Nations (UN guest house) and a French NGO (Action Contre la Faim – ACF). The team in Jaffna used the GTZ premises.

Maps

Detailed maps (1/100.000) were obtained from the Survey Department in Colombo. For military reasons, maps were not available for Anuradhnapura, Polonnaruwa and Ampara region. All teams where given a road map of Sri Lanka and, when available, local maps. In the north and eastern areas, the LTOs found out maps from the local offices of GTZ, the UNHCR or local NGOs. As a result, all observer teams disposed of adequate maps on the day of the election.

Communication

Communication was an issue in terms of reporting and for security reasons.

Each team was provided with a mobile phone whose range broadly covered main towns in which observers were based. Unfortunately, during their day trip in the countryside, observers could not make use of the mobile phone provided.

In order to ascertain that regular communication was possible, observers were asked to identify phone booth all along their routes. As a result, 37 out of 38 teams comply with the communication rules to be implemented on Election Day.

In the northern and eastern region, where security concerns were important, GTZ provided HF radios in all the vehicle needed in these areas. A total of 11 cars were equipped with HF mobile radio and deployed in these region. Quality of the communication was poor but security check were possible and regularly implemented.

The frequencies were provided by GTZ and radio monitoring was organised by the mission on a 24h/24h basis.

In Vavunya, a VHF radio was necessary for the team to be provided with up to date security information. Medecin Sans Frontiere Netherland kindly supplied the EU observer with a handset for the duration of their stay in the region.

Communication procedures were as follows:

From the LTO deployment to their return to Colombo on the 11th of October, each LTO co-ordinator reported to the HQ every evening to acknowledge the return of all observer to their base and to inform the mission HQ about the next day plan of action. On election day, LTO co-ordinator had to inform about the departure of the teams (5.00 a.m. to 7.00 a.m.) and return to the hotel at the end of polling day (10.00 p.m. onward). Each observer team was to contact HQ between 11.00 and 12.00 and between 16.00 and 17.00. The purpose of the 'phone checks' was to be able to communicate at least twice with the teams deployed in remote areas during election day, should any incidents be of interest to the team on polling day (early closing of PS, violence etc.)

ANNEX E1

EU Electoral Observation Mission to Sri Lanka

Long Term Observers Training Programme

Saturday 23rd September 2000

13:00 hrs.	General Introduction to the European Union Observation Mission by the Head of Delegation of the European Commission Amb. Ilkka Uusitalo
13:30 hrs.	Presentation of the Core Team and the LTO's
14:00 hrs.	Methodology of the Training Seminar and the Electoral Process by Dep. HOM Mr. Anders Eriksson and Mr. Lennart Jemt, Training Adviser
	Coffee Break
15:00 hrs.	Political History of Sri Lanka, past and present by Mr. Kusal Perera
16:00 hrs.	The Electoral Act by Ms. Gilberte Deboisviex, Election Adviser
17:00 hrs.	Campaign and observation methodology by Mr. Anders Eriksson and Mr. Lennart Jemt
20:00	Dinner hosted by HOM Mr. John Cushnahan at the Amethyst Room

Long Term Observers Training Programme

Sunday 24th September 2000

09:00 hrs.	The role of the media and observation by Mr. Peter Cross, Media Adviser
09:30 hrs.	Security information by field Security Officer Mr. Graeme A. Membrey and Humanitarian Adviser Mr. Patrick Vandenbruaene – United Nation
10:30 hrs.	Deployment plans security communication etc., by Mr. Jerome Pons

ANNEX E2

EU Electoral Observation Mission to Sri Lanka

Short Term Observers Training Programme

Thursday 5th October 2000

- 08:00 a.m. General Introduction to the European Union Observation Mission by the Head of Mission Mr. John Cushnahan
- 08:30 a.m. Presentation of Core Team and introduction to the Mission by Deputy HoM Mr. Anders Eriksson
- 08:45 a.m. Methodology of the Training Seminar by Training Adviser Mr. Lennart Jemt.
- 09:00 a.m. Polling and counting procedures – Deputy HoM Mr. Anders Eriksson and Legal Adviser Ms. Gilberte Deboisviex
- 09:45 a.m. Coffee Break
- 10:00 a.m. Code of conduct and how to observe an election by Training Adviser Mr. Lennart Jemt
- 10:30 a.m. Political History of Sri Lanka past and present by Mr. Kusal Perera
- 11:30 a.m. The role of media by Media Adviser Mr. Peter Cross
- 12:00 p.m. Lunch
- 13:30 p.m. Speech by Head of Delegation of the European Mission in Sri Lanka Mr. Ilkka Uusitalo
- 14:00 p.m. Health information by Dr. Mahinda S. Goonesekera
- 14:15 p.m. Security information by field Security Officer Mr. Graeme A. Membrey and Humanitarian Adviser Mr. Patrick Vandenbruaene – United Nation
- 15:00 p.m. Coffee Break
- 15:15 p.m. Deployment and Logistics briefing by Security & Logistics adviser Mr. Jerome Pons

Annex F Methodology

Observing elections is not observing an isolated event; it is to follow a process. The observation mission to Sri Lanka started to observe the campaign and other pre-polling day events when the Core Team arrived to Colombo on the 18 of September. Shortly after the arrival of the Core Team, 28 Long Term Observers arrived. They were deployed to seven regions and each region covered three Electoral Districts. The teams based in Colombo were also responsible for the Jaffna district. The EU Need Assessment Mission who visited Sri Lanka in mid-August had identified the seven regions. On the 4th and 5th of October 42 Short Term Observers arrived to Colombo and were deployed the day after to the regions. For detailed information about the deployment and observers, see annex F1 and F2.

The observers were provided and informed about the Code of Conduct outlined in the Communication 2000 document.

Reports

The reporting from the observers must be conducted in a systematic way and guidelines and methodology for the reporting were therefore issued from the HQs in Colombo, see annex F3. Most reports were of evaluative nature and submitted in a narrative way. On polling day fixed survey forms and flowcharts were prepared, to facilitate reporting and processing of the information. In addition to the survey forms also narrative reports were used. See annex F4 for information about the structure of the reports.

Pre-election period

From the pre-election period the Long Term Observers reported from campaign meetings and rallies, meetings with political parties, election officials, police, local NGOs and other relevant groups involved in the election process. A format for the narrative reports was given to observers in advance. The observers reported to HQs in Colombo every third day.

The Core Team had several meetings with the Election Commissioner, Police officials and all major parties in Colombo. Furthermore, the Core Team was in daily contact with the EU delegation in Colombo and also with member states embassies.

Election Day

A total number of 38 observer teams were sent out on Election Day to cover as many polling stations as possible. The Core Team issued instructions to the observers on how and what to observe in the polling stations. As a general rule the observers was told to stay 30 minutes in each polling station. Reports from 400 polling stations were submitted to HQs in Colombo. In addition, the teams reported from the counting centres.

Post-election period

The Core Team followed the aggregation of the results in Colombo and had discussions with the Election Commissioner about annulled polling stations and the complaints handed in to the Election Office.

ANNEX F1

Deployment Plan

LTO area

Colombo

2			
Yolanda Foster	UK	LTO	
Klaus Kubler	D	STO	
3			
Delphine Blanchet	F	LTOC	
Christian Hainzl	A	STO	
4			
Cinzia Zani	I	LTO	
Narcisse Banze	B	STO	
5			
Christian Wagner	D	LTO	
Marie-Clair Allain	F	STO	
6			
Sandra Conway	IR	STO	
Carlo Pappalardo	I	STO	
7			
Rosa Izquierdo	SP	STO	
Cees Verhaeren	NL	STO	
8			
Amanda Di Lorenzo	I	STO	
Kerlijne Everaet	B	STO	
9			
O P G Vos	NL	STO	
James Gilbert	UK	STO	
10			
John Cushnahan	IR	Core	
Peter Cross	UK	Core	
11			
Anders Eriksson	S	Core	
Lennart Jemt	S	Core	
12			
Patrick Cooney	IR	Core	
Gilberte Deboisviex	F	Core	
Jerome Pons	F	Core	

Anuradhapura

21			
Roberto Barbarulo	I	LTOC	
Cordula Reinmann	D	STO	
22			
Anne Elisabeth Ravetto	F	LTO	
Koen Loossens	B	STO	
23			
Jean Pierre Clerc	F	LTO	
Anna Dalamanga	GR	STO	

24

Eva Vissers B LTO
Clemens Jurgenmeyer D STO

Polonnaruwa

31

Mario Luigi Molignoni I LTO
Paul Horsting NL LTOC

32

Elisabeth de Vos NL STO
Björn Birkoff S STO

33

Owin Lawlor IR STO
Nora Kankashian A STO

Kurunegala

41

Christina Alves P LTOC
Bruno Pommier F STO

42

Francois Hettinger LU LTO
Amaryllis Bossuyt B STO

43

Despina Saraliatou GR LTO
Hillie Molenaar NL STO

44

Walter Keller Kirchoff D LTO
Charlemagne Sofia Gomez UK STO

45

Jessica Engel D STO
Carlo Alberto Tabacchi I STO

46

Maria Isabel Pinto Valente P STO
Thibault Heuze F STO

Kandy

51

Damien Vallete D'ozia F LTOC
Iratxe Burutxaga SP STO

52

Kamalla Dawar UK LTO
Gunilla Blomqvist S STO

53

Bernard Lefebvre B LTO
Claudia Correia P STO

54

Tania Schumer D LTO
Robert Maria Classens NL STO

55

Jean-Claude Ayir B STO
Christina Papadopoulou GR STO

Badula

61

Natalia De Oliveira	F	LTOC
Daniel Kamphuis	NL	STO

62

Guiseppe Terrasi	I	LTO
Sikke Bruinsma	NL	STO

63

Jean Francois Le Loutre	F	LTO
Thalia Helena Vassiliou	GR	STO

64

Julia Savage	UK	LTO
Marianne Tychsen	DK	STO

Matara**71**

Jutta Bulling	D	LTOC
Veronique Giordano	F	STO

72

Claudia Chritina Soares	P	LTO
Kirsten Saxinger	A	STO

73

Fontoni Pantelidou	GR	LTO
Pascal Delumeau	F	STO

74

Alfred Keuhrer	A	LTO
Evangelina Vassiliadou	GR	STO

Jaffna**1**

Graca Fernandez	P	LTO
Robert Bernheim	S	LTOC

ANNEX F2

EU Mission to Sri Lanka - Observers and Core Team

Austria

3	Christian Hainzl	Colombo	STO
33	Nora Kankashian	Polonnaruwa	STO
72	Kirsten Saxinger	Matara	STO
74	Alfred Keuhrer	Matara	LTO

Belgium

4	Narcisse Banze	Colombo	STO
8	Kerlijne Everaet	Colombo	STO
22	Koen Loossens	Anuradhapur	STO
24	Eva Vissers	Anuradhapur	LTO
42	Amaryllis Bossuyt	Kurunegala	STO
53	Bernard Lefebvre	Kandy	LTO
55	Jean-Claude Ayir	Kandy	STO

Denmark

64	Marianne Tychsen	Badula	STO
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France

3	Delphine Blanchet	Colombo	LTOC
5	Marie-Clair Allain	Colombo	STO
12	Jerome Pons	Colombo	Core
12	Gilberte Deboisviex	Colombo	Core
22	Anne Elisabeth Ravetto	Anuradhapur	LTO
23	Jean Pierre Clerc	Anuradhapur	LTO
41	Bruno Pommier	Kurunegala	STO
46	Thibault Heuze	Kurunegala	STO
51	Damien Vallete D'ozia	Kandy	LTOC
61	Natalia De Oliveira	Badula	LTOC
63	Jean Francois Le Loutre	Badula	LTO
71	Veronique Giordano	Matara	STO
73	Pascal Delumeau	Matara	STO

Germany

2	Klaus Kubler	Colombo	STO
5	Christian Wagner	Colombo	LTO
21	Cordula Reinmann	Anuradhapur	STO
24	Clemens Jurgenmeyer	Anuradhapur	STO
44	Walter Keller Kirchoff	Kurunegala	LTO
45	Jessica Engel	Kurunegala	STO
54	Tania Schumer	Kandy	LTO
71	Jutta Bulling	Matara	LTOC

Greece

23	Anna Dalamanga	Anuradhapur	STO
43	Despina Saraliatou	Kurunegala	LTO
55	Christina Papadopoulou	Kandy	STO
63	Thalia Helena Vassiliou	Badula	STO

73	Fontoni Pantelidou	Matara	LTO
74	Evangelina Vassiliadou	Matara	STO

Ireland

6	Sandra Conway	Colombo	STO
10	John Cushnahan	Colombo	Core
10	Patrick Cooney	Colombo	Core
33	Owin Lawlor	Polonnaruwa	STO

Italy

4	Cinzia Zani	Colombo	LTO
6	Carlo Pappalardo	Colombo	STO
8	Amanda Di Lorenzo	Colombo	STO
21	Roberto Barbarulo	Anuradhapur	LTOC
31	Mario Luigi Molignoni	Polonnaruwa	LTO
45	Carlo Alberto Tabacchi	Kurunegala	STO
62	Guiseppe Terrasi	Badula	LTO

Luxembourg

42	Francois Hettinger	Kurunegala	LTO
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Netherlands

7	Cees Verhaeren	Colombo	STO
9	O P G Vos	Colombo	STO
31	Paul Horsting	Polonnaruwa	LTOC
32	Elisabeth de Vos	Polonnaruwa	STO
43	Hillie Molenaar	Kurunegala	STO
54	Robert Maria Classens	Kandy	STO
61	Daniel Kamphuis	Badula	STO
62	Sikke Bruinsma	Badula	STO

Portugal

1	Graca Fernandez	Jaffna	LTO
41	Christina Alves	Kurunegala	LTOC
46	Maria Isabel Pinto Valente da	Kurunegala	STO
53	Claudia Correia	Kandy	STO
72	Claudia Chritina Soares Gomez	Matara	LTO

Spain

7	Rosa Izquierdo	Colombo	STO
51	Iratxe Burutxaga	Kandy	STO

Sweden

1	Robert Bernheim	Jaffna	LTOC
11	Anders Eriksson	Colombo	Core
11	Lennart Jemt	Colombo	Core
32	Björn Birkoff	Polonnaruwa	STO
52	Gunilla Blomqvist	Kandy	STO

United Kingdom

2	Yolanda Foster	Colombo	LTO
10	Peter Cross	Colombo	Core
44	Charlemagne Sofia Gomez	Kurunegala	STO
52	Kamalla Dawar	Kandy	LTO
64	Julia Savage	Badula	LTO

ANNEX F3

European Union

Observation Mission to Sri Lanka

GUIDELINES FOR LONG TERM OBSERVERS

These guidelines are not exhaustive and you should be aware that some questions would only be relevant at certain times in the Electoral cycle. The purpose of them is to help you and give some ideas about your work in the field.

During the observation mission the Core Team may request you to take particular interest/notice of certain aspects of the campaign or organisation of the election.

Guidelines for Meetings with Political Parties

The purposes of your meetings are to find out about their campaign, listen to any complaints they have and to find out about any major campaign events they intend to hold in your area.

a) Were there any problems regarding the registration of Candidates?

Collect documented evidence where possible

b) Problems during the pre-election campaign?

Denied access / lack of assistance to hold public meetings or rallies
Supporters being intimidated or threatened
(Posters) or flags systematically taken down

c) Fair access to the media

Do they access to the printed and electronic media
Do they consider the media cover their activities accurately
Do they think there is bias in the media either for or against a candidate

d) Do they have an opinion on the election law and procedures?

What are their objections to the law (in general)
Do they have positive comment about the law

e) What is their opinion of the Election Administration – local and national?

Do they have representatives or have access to meetings of the election administration
Have they made any complaint to/or about the election officials? What was the outcome? When was the case and what was the outcome?

f) Do they feel that the public officials are biased or involved in the political campaign?

Does the party have any complaints about the local public officials?
What is the nature of their concerns (documentary evidence)?

g) Concerns about Election Day?

Which areas are of particular concern and why?

Guidelines for meetings with Election Commissions/Authorities

The EC have considerable powers and responsibilities. Not only do they administer the elections they also have powers to hear and resolve complaints about lower election commissions/officials and about the conduct of the elections. These short guidelines are indicative of the type of information that you should be requested as an LTO.

a) Introduce the Election Observation Mission to Sri Lanka

Explain the mandate of the mission – that the Election Commissioner invites us and that the mission have Long Term Observers deployed throughout the country.
Explain that the EOM is a neutral organisation and that all observers must abide by the Code of Conduct
Ask if they have been given any instructions regarding our work

b) The work of the Election Commission

Ask general questions about their work.
Problems they have had during the election period.
How do they liaise with the parties/candidates and other relevant bodies

c) Electoral Registration

How are the registers drawn up? Who is responsible etc
Quality of the registers
Are the lists open for public scrutiny? Can you as a LTO review the list?
Have they received any objections?

d) Nomination of Candidates

What are the procedures and have they been followed?
Were any nominees refused the right to stand as a Candidate? Ask for reason and if it is possible to have it writing.

e) Election Disputes and Complaints

Have they received any complaints? When were they received and what action has been taken.

What is the procedure they follow when resolving disputes?

f) Appointment of Polling Station Officials

How are the polling station officials appointed and when?

What training will they receive and when?

Number of polling stations in the area? Is the list of polling stations published? Copy for the observers?

Other relevant information regarding the set up of the polling stations.

g) Election Day

Inform the officials that observers will be present throughout the polling day and that they also will observe the count at the counting centres.

Do they foresee any problems on polling day?

How will the results be processed?

Where will the results for the area be published?

How will the results be forward to higher election authorities?

Guidelines for Observation of Election Disputes and Appeals

To monitor election disputes you should find out:

Who is the plaintiff and who is the defendant in each case

What is the nature of the dispute and when will it be heard?

Find out what is the legal basis of the complaint.

If the complaint is to be heard by a court then you should see if the case has been allocated a number by the court.

Find out what was the decision, including any legal interpretation.

If the plaintiff or defendant intends to appeal the decision.

Whether the appeal will be heard by a higher election authority or court and if possible obtain a copy of the actual written decision/resolution.

Guidelines for meetings with Public Officials/Police

You should introduce yourself to senior public officials / police in your area of responsibility. The purpose of these meetings would be to introduce the mission and its mandate (see above).

Ask the officials /police about:

Security arrangements

Local conditions and issues

Whether there are any tensions in the region/area and why

What if any role would they play during the election

Do they have any areas of particular concerns

ANNEX F4

European Union

Observation Mission to Sri Lanka

Report layout

Team no:

Date of event:

Political Party:

Area/Place:

Meeting with Political Parties

- a) Were there any problems regarding the registration of Candidates?
- b) Problems during the pre-election campaign?
- c) Fair access to the media
- d) Do they have an opinion on the election law and procedures?
- e) What is their opinion of the Election Administration – local and national?
- f) Do they feel that the public officials are biased or involved in the political campaign?

g) Concerns about Election Day?

European Union

Observation Mission to Sri Lanka

Report layout

Team no:

Date of event:

Place/Area/District:

Meeting with Election Commissions/Authorities

a) Introduce the Election Observation Mission to Sri Lanka

b) The work of the Election Commission

c) Electoral Registration

d) Nomination of Candidates

e) Election Disputes and Complaints

f) Appointment of Polling Station Officials

g) Election Day

European Union

Observation Mission to Sri Lanka

Report layout

Team no:

Date of event:

Place:

Observation of Election Disputes and Appeals

Who is the plaintiff and who is the defendant in each case

What is the nature of the dispute and when will it be heard?

Find out what is the legal basis of the complaint.

If the complaint is to be heard by a court then you should see if the case has been allocated a number by the court.

Find out what was the decision, including any legal interpretation.

If the plaintiff or defendant intends to appeal the decision.

Whether the appeal will be heard by a higher election authority or court and if possible obtain a copy of the actual written decision/resolution.

European Union

Observation Mission to Sri Lanka

Report layout

Team no:

Date of event:

Place/Area/District:

.....

Meetings with Public Officials/Police

Security arrangements

Local conditions and issues

Whether there are any tensions in the region/area and why

What if any role would they play during the election

Do they have any areas of particular concerns

European Union

Observation Mission to Sri Lanka

REPORT FROM CAMPAIGN MEETING/RALLY

Political Party:

Main speaker/s:

Approx number people present:

Police and/or Security personnel present: Y N

Incidents? Y N **If Y, please specify:**

Other comments:

Annex G Security

General

The security of the observers was a primary concern for the mission. The logistics and security adviser kept regular contact with the Ministry of Defence, the Police Department, the CMEV (NGO monitoring of election violence), the UN security personnel and some embassies representative. The local police commander, a former army general and journalists (Jane's Intelligence Review) constituted some of the information sources the mission relied on to form an opinion on the security issues.

The mission considered that security hazards would only originate from two sources: LTTE terrorist activities and election related violence. Although the LTTE had announced that they would not deliberately target the civilian population, there was a risk that the observers would be in the wrong place at the wrong time. However, it is believed that the mere presence of the observers in some places would deter the possibility of a terrorist attack. As a result observer were instructed to be highly visible at all times.

The most serious violence took place at rallies. Observers were advised to be cautious when observing rallies. A memorandum was sent to confirm the mission instructions on the eve of the Mutur incident, which cost the lives of 24 persons, and basic instruction were provided to all teams during the briefing day in Colombo.

Security Briefing

The security briefing was made up of four components.

The first part was conducted with the assistance of the UN security officer and covered the general security conditions, the LTTE threat, the differences between threat and risks and a number of hints for the personal safety of the teams.

The second part of the briefing covered the essential personal security tips related to Sri Lanka, observers code of conduct and election observation such as: how to observe a rally, safely passing military check points, meetings with police officials, culturally sensitive behaviour.

The third part consisted of a medical briefing by a physician. Malaria prevention, particular consideration to be given to food, dengue fever, diarrhoea etc. were the main topics.

The fourth part was dedicated to the radio communications and a practical as well as a general briefing was conducted for all the LTOs and 12 STOs deployed in the northern and eastern areas of the country.

The mission's security plan, briefing notes and general security instructions (related to communication and mine problems) were distributed during the briefing.

Security plan

The security & logistic adviser was the security plan co-ordinator. The security wardens in the provinces were the LTO co-ordinators.

Deployment in Jaffna

Due to the complex conditions in the Jaffna peninsula, the team deployed to that region was of special concern to the mission. The team with authorisation from the Ministry of Defence travelled by boat provided by the ICRC. Locally, the GTZ provided the team with suitable accommodation in a reasonably safe area in Jaffna City. A bunker was available in case of shelling. Bullet proof jackets and helmets were available. They were provided with a 4x4 vehicle with flags and sticker of the EU observation mission. 24h radio communication on HF and VHF radio were provided to the team via the GTZ radio system and the local UN network.

ANNEX H Election Day Surveys

During Polling Day 38 teams submitted reports to the Observation Mission HQs in Colombo, see deployment plan in annex F for further details. In total, 429 polling day report forms were processed at HQs during Polling Day and the following day. Most of them were sent by fax from the seven regions. A minor part of the reports, Colombo region, were delivered by hand. 19 forms were excluded due to transmission errors. In addition to the polling report forms, 35 counting forms were submitted to the HQs in Colombo. General instructions to observers and report forms are shown in annex H1-H5.

Sri Lanka is divided into twenty-two Election Districts and the EU Election Observation Mission deployed observers into seven main regions covering all Election Districts, see table below and in annex F1. Colombo region covered Jaffna, but is presented separately in the table.

LTO Area	Election Districts	No. of Teams	No. of Reports	Per cent
Colombo	1,3,(10),21	11	124	28,9%
Anuradhapura	11,16,17	4	42	9,8%
Polonnaruwa	12,14,18	3	40	9,3%
Kurunegala	2,15,22	6	77	17,9%
Kandy	4,5,6	5	53	12,4%
Badula	13,19,20	4	41	9,6%
Matara	7,8,9	4	45	10,5%
Jaffna	10	1	7	1,6%
Total:	22	38	429	

The observer teams visited 399 polling stations during the polling day, 15 were visited twice. The actual number of visited polling stations is higher due to the fact that some reports were excluded from the data processing.

The average time the observer teams spent in the polling station was 29 minutes, see diagram.

The number of reports from each of the 22 Electoral Districts is shown in the table below. Out of the 160 Polling Divisions observer teams reported from 99.

	Electoral District	No. of Reports	Per cent
1	Colombo	86	20,0%
2	Gampaha	30	7,0%
3	Kalutara	19	4,4%
4	Mahanuwara	17	4,0%
5	Matale	16	3,7%
6	Nuwara-Eliya	20	4,7%
7	Galle	23	5,4%

8	Matara	11	2,6%
9	Hambantota	11	2,6%
10	Jaffna	7	1,6%
11	Vanni	10	2,3%
12	Batticaloa	18	4,2%
13	Digamadulla	15	3,5%
14	Trincomalee	16	3,7%
15	Kurunegala	35	8,2%
16	Puttalam	11	2,6%
17	Anauradhapura	13	3,0%
18	Polonnaruwa	14	3,3%
19	Badulla	18	4,2%
20	Moneragala	9	2,1%
21	Ratnapura	19	4,4%
22	Kegalle	11	2,6%
		429	

The result from the Voting procedure form is shown in the annex H6. The result of question number 20 in the observer voting form, the overall assessment of the process in the polling stations is shown in the annex H7. The information is given by LTO region.

**EU Observation Mission to Sri Lanka
Parliamentary Election – 10 October 2000**

ANNEX H1

How to fill out the observer forms

Please read the forms before you begin to observe on the 10 of October.

You have 20 Observation Forms for the Voting Process and 4 Observation Forms for Counting Process in this booklet. All forms are pre-numbered so we here in Colombo can identify from which team they come.

At the back of the booklet you have five extra pages for your narrative comments.

Please fill out 1 (one) form for each polling station you visit (one per team). Stay at least 30 minutes in the Polling Station.

Please write as clearly as possible (use BLOCK LETTERS) as this will help us when we analyse your forms.

Please write in the team number.

The identification of the Polling Station is essential information when the forms are processed, so please be careful when you give the details for the PS.

At the end of both forms you are asked to give a general assessment of the process.

We hope you will be able to fill in this question and give us an estimation of how well the election law has been implemented.

Please remember to be as polite as possible when speaking to polling station officials and Party Agents.

Please also remember to exercise caution in dealing with people and ensure that you remain neutral.

And don't forget to send your forms to Colombo on a regular basis during the day.

The fax numbers are 1 – 331050 and 1- 331057. You will get further instructions from your LTO.

Good luck with your observation.

Media statements

Be prepared to describe your work at the polling stations, but do not attempt to make general statements about the conduct of the election as you may prejudice any final statement made on behalf of the EU Observer Mission. The person responsible for the contact with Media is the Media Adviser, Peter Cross, and you shall ask the press to contact him for further information (Mobile phone 077-768134).

The EU Observer Mission will make a statement to the media on behalf of the international observers after everyone has had a chance to report their observations.

ANNEX H2

<u>Polling Day Observation</u>	Article Instr.
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36:1a	22
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36:1b	22
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33	23
----	----

41	
----	--

38:1	39
------	----

37:2a	39
-------	----

38:3b	39
-------	----

37:2d	39
-------	----

37:2b	111
-------	-----

37:2c	111
-------	-----

37:1	111
------	-----

39	111
----	-----

39	111
----	-----

33,46,47	50
----------	----

33,46,47	50
----------	----

ANNEX H3

(Fill out one form per team for each visit to each Polling Station)

A. Details

Team Number:			Form Number:			Arr Time: (hh:mm)				
Electoral District:			Polling Division:			Polling Station:			Dep Time: (hh:mm)	

B. Environment *(Please circle)*

1. Did you witness any active campaigning on Election Day? **Y** **N**
1

C. Opening *(If observed)*

2. Was the Ballot Box verified to be empty before voting began and then properly sealed? **Y** **N** **N/A** 2
3. Were any complaints noted regarding the opening procedures? **Y** **N**
N/A 3

Voter Details

4. No. of Registered Voters:
fffff fggfgfgfg
5. How many people have voted so far at this Polling Station?

E. General Voting Procedures *(Please circle)*

6. Did the Officials check the fingers for indelible ink before issuing ballot papers? **Y** **N** 6
7. Did the Officials call out name and number of the voter? **Y** **N**
7
8. Was the Voter Register marked? **Y** **N** 8
9. Was the number of the voter noted on the counterfoil and the ballot paper stamped with the official mark? **Y** **N** 9
10. Was the ballot paper marked in secrecy by the voter? **Y** **N**
10
11. Did you observe people voting on behalf of others (Proxy voting)? **Y** **N**
11

- | | | | |
|-----|--|----|---|
| 12. | Were voters requiring assistance aided in the proper manner? | Y | N |
| | N/A | 12 | |
| 13. | Were voters refused the right to vote for inappropriate reasons? | Y | N |
| | 13 | | |

If yes, details

.....
13a

- | | | | | |
|-----|---|---|---|----|
| 14. | Did you observe any voter intimidation? | Y | N | 14 |
|-----|---|---|---|----|

If yes, details

.....
14a

Polling Station (Please circle)

- | | | | | |
|-----|---|---|---|----|
| 15. | Have the Polling Station received all necessary material from the Commission? | Y | N | 15 |
| 16. | Were the ballot box properly secured? | Y | N | 16 |
| 17. | Were other observers present outside the Polling Station? | Y | N | 17 |
| 18. | Were Party Agents present inside the Polling Station? | Y | N | 18 |
| 19. | Were any unauthorised persons inside the Polling Station? | Y | N | 19 |

G. General Assessment (Please circle)

- | | | | | |
|-----|--|------|------|------|
| 20. | What is your overall assessment of the process | Very | Bad | Good |
| | Very | | | |
| | in this Polling Station? | Bad | Good | 20 |

ANNEX H4

A. Details

Team Number:			Form Number:			Arr Time: (hh:mm)				
Counting Centre Id:						Dep Time: (hh:mm)				

B. Counting Centre (Please, circle)

1. Did you accompany the Ballot Box to the counting centre? Y N
1
2. Did any Party Agents accompany the Ballot Box to the counting centre? Y N
2
3. Were Party Agents present at the Counting Centre? Y N 3
4. Were any unauthorised persons inside the Counting Centre? Y N
4

C. Process (Please, circle)

5. Did the Counting Officers show the Ballot Paper Account to the Party Agents? Y N 5
6. Did the Counting Officers count the number of Ballot Papers in each Box? Y N 6
- Did the Counting Officer handle the invalid Ballot Papers according the Regulations (Article 53)? Y N 7
8. Did the Party Agents receive a copy of the Final Statement? Y N 8
9. Did any Party Agents file a complaint at the Counting Centre? (Please, comment) Y N 9

D. General assessment (Please, circle)

What is your overall assessment of the process in the Counting Centre?

Very Bad Bad Good Very Good
10

E. Other Comments

ANNEX H5

Narrative Report Form

Team Number:		
Page Number:		

Use this form for your narrative comments. We kindly ask you to use the following format for the narrative comments:

Form number / The number of the question in the Voting Report Form /
Comment

[illegible]

ANNEX H6

Observer Form - Polling Day - Results

Q1. Did you witness any active campaigning on Election Day?	Yes	62	14,55%	
	No	364	85,45%	
		426		
Q2. Was the Ballot Box verified to be empty before voting began and properly sealed?	Yes	86	20,62%	
	No	5	1,20%	
	N/A	326	78,18%	
		417		
Q3. Were any complaints noted regarding the opening procedures?	Yes	6	1,45%	
	No	107	25,85%	
	N/A	301	72,71%	
		414		
Q6. Did the Officials check the fingers for indelible ink before issuing ballot papers?	Yes	395	95,64%	
	No	18	4,36%	
		413		
Q7. Did the Officials called out name and number of the voter?	Yes	411	99,04%	
	No	4	0,96%	
		415		
Q8. Was the Voter Register marked ?	Yes	407	99,75%	
	No	1	0,25%	
		408		
Q9. Was the number of the voter noted on the counterfoil and the ballot Paper stamped with the official mark?	Yes	408	98,79%	
	No	5	1,21%	
		413		
Q10. Was the Ballot Paper marked in secrecy by the voter?	Yes	363	88,75%	
	No	46	11,25%	
		409		
Q11. Did you observed people voting on behalf of other (Proxy voting)?	Yes	4	0,99%	
	No	400	99,01%	
		404		
Q12. Were voters requiring assistance aided in the proper manner?	Yes	155	37,62%	
	No	43	10,44%	
	N/A	214	51,94%	
		412		
Q13. Were voters refused the right to vote for inappropriate reasons?	Yes	9	2,33%	
	No	377	97,67%	
		386		
Q14. Did you observe intimidation of any voters?	Yes	18	4,44%	
	No	387	95,56%	
		405		
Q15. Have the Polling Station received all necessary material from the Commission?	Yes	403	99,02%	
	No	4	0,98%	
		407		
Q16. Were the ballot box properly secured?	Yes	404	99,02%	
	No	4	0,98%	

408

Q17. Were other observers present outside the Polling Station? Yes 58 14,22%
No 350 85,78%

408

Q18. Were Party Agents present inside the Polling Station? Yes 401 98,28%
No 7 1,72%

408

Q19. Were any unauthorised persons inside the Polling Station? Yes 25 6,22%
No 377 93,78%

402

Q20. What is our Overall Assessment of the process in this Polling Station? Very Bad 8
2,02%

Bad 33 8,31%
Good 219 55,16%

Very Good 137 34,51%

397

ANNEX H7 *Question 20 in the Voting Procedure Report Form*

Question 20: What is our Overall Assessment of the process in this Polling Station?

<i>LTO region</i>	<i>Overall assessment</i>	<i>Frequence</i>	<i>Per cent</i>
Anuradhapura			
	Bad	7	17,5%
	Good	21	52,5%
	Very Good	12	30,0%
Badula			
	Good	30	75,0%
	Very Good	10	25,0%
Colombo			
	Very Bad	1	0,9%
	Bad	8	7,2%
	Good	70	63,1%
	Very Good	32	28,8%
Jaffna			
	Good	7	100,0%
Kandy			
	Very Bad	4	7,7%
	Bad	10	19,2%
	Good	24	46,2%
	Very Good	14	26,9%
Kurunegala			
	Bad	5	7,5%
	Good	31	46,3%
	Very Good	31	46,3%
Matara			
	Very Bad	1	2,4%
	Bad	3	7,1%
	Good	15	35,7%
	Very Good	23	54,8%
Polonnaruwa			
	Very Bad	2	5,1%
	Bad	1	2,6%
	Good	21	53,8%
	Very Good	15	38,5%