

constitutional and legal reform are broadly consistent with the recommendations which ARTICLE 19 put forward in October 1994 in *An Agenda for Change* and in March 1995 in *Words into Action*. ARTICLE 19 believes that this area of reform is particularly important, and should be implemented without delay.

Lack of media freedom, and the apparent trend towards increasing political interference and harassment, is likely to have serious consequences for the democratic process in Sri Lanka if it is not curbed soon. Important constitutional issues are at stake in the coming year, and the climate must be created for them to be freely and openly discussed and debated without fear of intimidation or violence.

The risk of political violence escalating is very real, and decisive action needs to be taken to curb this. The leaders of the main political parties have spoken out against violence, and the government has taken steps to confiscate illegal weapons held by politicians. Yet, numerous violent incidents involving members of both main political parties had been reported by the end of February 1997 in the run-up to the local government elections in March, involving members of both main political parties. It is important that, in tackling the violence, the government is seen to be even-handed, treating all offenders alike regardless of political affiliation. Otherwise its

actions may be archived as a political vendetta against the opposition, as another form of suppression.

**Note:**

1. *Daily News*, Colombo, 17 May 1996.
2. *Silent War*, note 2 above, at 35.
3. See *Silent War*, note 2 above, for further discussion of the report of these committees.
4. *Pravada*, Vol.4, No. 10 & 11, Colombo.
5. See *An Agenda for Change*, note 3 above, Recommendation 6.
6. 'FMM condemns newspaper closure threat', *Sunday Observer*, 11 August 1996.
7. *The Island*, Colombo, 20 August 1996.
8. 'Media minister has no say in allowing media to areas', *Weekend Express*, Colombo, 28 December 1996.



## DOCUMENT-2

We print below a report on incidents of violence associated with the local government elections. Nominations were accepted on the 5th of February and the polling was held on the 21st of March 1997. This report was compiled by the Center for Monitoring Election Violence, set up by the Center for Policy Alternatives, an independent public policy institute, the Free Media Movement and the multi-member NGO - the Coalition against Political Violence.

# REPORT OF ELECTION-RELATED VIOLENCE DURING LOCAL ELECTION CAMPAIGN (FEB 5 - MAR 19,1997)

The period Feb 5 - Mar 19, 1997 has seen 1836 incidents of violence in 30 Police Divisions covering all areas where local government elections have been scheduled for March 21st., ranging from Amparai and Colombo South which recorded the lowest number of complaints (10) to Kandy which reported the highest (177). Of these incidents, the greatest number has been allegations of [Simple] threat (594), followed by assault (438), mischief (245), damage to property (210) and threat and intimidation (197). Four reports of murder and two of attempted murder have been received by the Centre, as well as 30 complaints of hurt, 18 of robbery, 42 of arson and 06 unclassified. The number of incidents reported represents an average of nearly 44 complaints a day in the 42 days of campaigning before the elections.

The Police Election Secretariat has, however, recorded 1725 incidents to date, and the classification of these incidents differ significantly from that employed by the Centre for Monitoring Election Violence. In addition to these reports received from the Police Secretariat, the Centre has received 111 direct reports of election-related violence. Moreover, the Police records have a much higher incidence of threat and intimidation which at the Centre has been reclassified as threat.

The analysis of data concerning the alleged perpetrators of these incidents reveal that during this time frame, supporters of the People's Alliance have allegedly been responsible for 847 acts of violence, those of the UNP for 463, the JVP for 34, Independent Groups for 23, the Police for 15, the MEP for 08, the CWC for 04,

the UPF for 03, and the NSSP and SLPF for I each, while the assailants have not been identified by party affiliation in 441 incidents.

In terms of the geographical distribution of these alleged incidents, the Kandy Police Division has recorded the highest number (177), closely followed by Matale (173). Next in frequency is Ratnapura (111), Anuradhapura (96), Kurunegala (95), Kelaniya (84), Chilaw (82) and Galle (80). In the metropolis, Mount Lavinia, Colombo Central and South have remained relatively peaceful with 16, 11 and 10 incidents recorded respectively, and these together with Amparai (where elections are being held only in a small portion of the Police Division) and Nikaweratiya are the only areas where elections are being held that have reported under 20 complaints.

In the 30 Police Divisions under consideration, for the period Feb 5 - Mar 19, 1997 - a duration of 42 days — the highest number of incidents reported in a specific geographical region against a political party has been 91 allegations against the PA in Matale, followed by 73 against the PA in Kandy, 65 against the PA in Ratnapura and 56 against the PA in Anuradhapura. Complaints against the UNP are highest in Kandy and Matale (49 each), and the only areas in which the UNP is held responsible for more incidents than the PA is the least violent division of Amparai, and in Panadura.

In the classification of allegations of violence by type allegedly committed by party affiliates, the PA has been held accountable for 46% of all assaults, 48% of threats and intimidation, 47% of all threats, 43% of all acts of mischief and 45% of all arson, as well as 52% of incidents of damage to property. The UNP is being held responsible for 33% of assaults, but only around 24% of threats and intimidations, 20% of mischief, and 28% of threats reported.

This means that the PA is allegedly responsible for just under half the entirety of violence during the run-up to the polls, and for almost twice the number of incidents allegedly committed by the other major contender at the election, the UNP. The last week of campaigning has witnessed a slight increase in alleged UNP violence vis-a-vis the PA, with the UNP going up two percentage points to 27% and the PA declining one percentage point to 45%. On the whole, violence has escalated in the last week (660 incidents), accounting for over one-third of the cumulative total, the last two days aggregating 279 incidents which is the weekly average for the entire period under review.

In terms of the types of incident recorded, however, there is no appreciable variation, except for the high incidence of arsons and damage to property in the aftermath of the Ratnapura killings on February 11th. Moreover, March 5th, 17th, 18th and 19th recorded unusually high incidence of violence all around. In the latter half of the campaign acts of assault too seem to be on the rise, but reports of murder, attempted murder, robbery and arson are fewer than in the first phase, which was characterised by the conflagration in Ratnapura, though in one single day (March 19) 11 incidents of robbery were recorded. Complaints of hurt have increased in the last days of the campaign; significantly larger numbers of reports of threats are coming in to the Centre, and this may reflect that the

seasoned perpetrators of violence are better “organised” in that simple threats are proving sufficiently effective to stifle and debilitate the opposition.

## Comparison with other recent elections

**S**ri Lankan elections have become violent, incident-ridden affairs in the past thirty years or so. However, even in the first two elections the country had in 1931 and 1936, 09 and 07 persons respectively were reported murdered in election-related incidents, proving the point that the nation's elections have never been entirely free of violence. The post-independence era is marked by escalating conflict at election-times, most notably in the period beginning with the 1970 General Election where over a thousand pre-election complaints of violence were recorded for the first time. Another crucial phenomenon is post-election violence which has assumed catastrophic proportions in some years such as 1977, and which in turn may influence the outcome of elections, particularly in local elections.

The lack of data on past elections has resulted in CMEV having to conduct its own research in order to obtain a satisfactory means of comparison between and among different national elections conducted during the last 30 years. CMEV used daily newspaper reports, independent observers' accounts, Election Commissioner's Reports (1989), election petition documents, PAFFREL (1993) and MFFE (1994, General Election) reports in its assessment of the scope and intensity of election-related violence.

The number of election-related killings was used as a useful index of the nature and scope of the violence engendered by a particular election, as is the cumulative statistics of complaints received by the Police Election Secretariat. By this gauge, the 1988 Presidential Election and the 1989 General Election are in a class by themselves. The 1994 General Election too was considerably more violent than the remainder. The 1982 Referendum was not included as no reliable data was available. In the case of the 1988 Provincial Council Elections too, the situation is the same. However, the Election Commissioner's Report indicates clearly that around 100 polling booths had experienced major violence on election day and the day preceding, including bombing, abduction, intimidation of election officers etc. which are clear indicators that the election was less peaceful than the current one. The most appropriate comparisons are, therefore, the 1991 Local Government Elections and the 1993 Provincial Council Election, both of which appear to have been less violent than the current Local Government Election.

## Reporting of Incidents and the PA - UNP Nexus

**T**he PA and the UNP between themselves allegedly account for 1310 of the incidents reported or nearly 72% of the total recorded for the period Feb 5 - Mar 19, 1997. This figure is mirrored in the combined number of reports made by these two parties for the entire period - 1537 - which is 84% of the total recorded so far. If one considers that some of the Independent groups contesting the

elections have PA or UNP affiliations, as well as the fact that some reports made against individuals whose party affiliations are unknown could also be supporters of one of these groups, the inescapable conclusion is that the PA+UNP contribution to the escalation of violence is even higher.

The PA has been held responsible for the majority of incidents of violence reported, but this cannot be dismissed merely as a reflection of those reporting the alleged incidents. For instance, of the 1836 incidents recorded between Feb 5 and Mar 19, 701 were reported by the PA, and of the balance 1135 the PA is the alleged perpetrator in 847 or approximately 75% of the complaints made by all other parties/individuals. Members of the MEP, the JVP, as well as Independent Groups and those without any party affiliation have also made allegations against the PA. The UNP has reported the largest number of violations (836) and the overwhelming majority of these allege PA involvement.

The following statistic is fairly typical of the dominant trend in which the two main protagonists feature first as complainant and then as alleged perpetrator. Of 51 incidents reported by the UNP on March 5th, 41 or 80% were against the PA, and the rest against persons with unknown party affiliation. Of the PA's 33 reports on this day, 23 or 69% were against the UNP, while 6 (18%) were unknown and 3 (9%) were against party colleagues. Thus, though the bulk of the incidents appear to reflect PA - UNP rivalry, the PA appears to have engendered its own internal competition and schisms as evidenced by the number of allegations made against PA members by their fellows. In 19 instances or 10% of the complaints made, PA affiliates have accused colleagues in the party, as compared to only 2 analogous reports (or under 1%) by the UNP.

Despite the political parties' pronouncements on the surrender of firearms and the Government's promise of stern action against defaulters, the use of guns, including automatic weapons, has continued unabated with approximately 75 incidents (or nearly 5% of the total) being reported during the campaign that involved the use of a firearm. Of these, nearly 50 allegedly took place in the last two weeks of campaigning. The PA is the alleged perpetrator in 50% of the complaints and the UNP in 14%, while the assailant is unknown in 36%. If one considers only the number of allegedly

identified perpetrators, however, the PA accounts for over three-quarters (78% ) of all incidents using firearms.

In general, CMEV considers that the percentages of perpetrators allegedly identified by party affiliation provide the best gauge of party involvement and culpability in election-related violence. This is so since the unidentified assailants could be members of any of the political groups and, hence, should not be considered as a separate, self-contained category. The unidentified perpetrators of violence may be supporters of one party or another and not independent of them. Hence, the combined culpability of the PA the UNP for the perpetuation of this level and degree of violence is best measured by the index that they together account for 94% of all incidents, 94% of all serious offences, 93% of lesser offences, 94% of all complaints in the last week, and 100% of all firearm-related offences, when one considers only the acts of violence where the perpetrators have been allegedly identified.

The other parties such as the JVP, CWC, MEP as well as Independent Groups account for only a negligible 6% of all serious offences (murder, attempted murder, hurt, arson, robbery, threat and intimidation, damage to property), but this percentage increases to 7% concerning minor offences ( mischief and threat). This clearly defines the limits and potential of the smaller parties vis-a-vis election-related violence.

## Measures of Containment and Control

**T**he danger, therefore, is that a similar profile of violence will continue in intensification up to and beyond the election day on March 21 st. The only way to contain the threat of violence is for the leaders of political parties to take immediate steps to curb such tendencies within their respective parties, and for the more serious complaints at least to be acted upon by the law enforcement authorities. The police authorities do not have current figures of arrests made on these complaints. However, statistics available at the Center indicate that Police have taken significant action in less than 01% of the cases reported. Nor has the rhetoric of political parties been matched by concrete results, and both major parties are now placing the responsibility for stopping the violence on their opponents. ■

Now Available

SSA's latest publication

## Newton Gunasinghe : Selected Essays

Edited by  
**Sasanka Perera**

A collection of most important essays  
by one of the most talented intellectuals Sri Lanka has ever  
produced

**Essays include:**

Underdevelopment and Decline in Fertility in a Kandyan Village; *Land Reform, Class Structure and the State*; Agrarian Relations in the Kandyan Countryside in Relation to the Concept of Extreme Social Disintegration; *Open Economic Policy and Peasant Production*; Class, Caste and the Political Crisis; *Caste, Kinship & Marriage in Ceylon and South India: A Critical Evaluation of Yalman Thesis*; Anti-Tamil Riots and the Political Crisis; *The Open Economy and its Impact on Ethnic Relations in Sri Lanka*; May Day after July Holocaust; *Ethnic Conflict in Sri Lanka: Perceptions and Solutions*; A Sociological comment on the Political Transformations in 1956 and the Resultant Socio-Political Process; *The Symbolic Role of the Sangha*.

Available at leading book stores in town and at

**Suriya Bookshop**

425/15 Thimbirigasyaya Road, Col. 5.

Tel 501339 / Fax: 595563