

# **‘Afraid even to say the word’: Elections in Batticaloa District**

*Report of a joint civil society visit to Batticaloa, 16-18 February 2008*

*Citizens’ Committee for Forcible Eviction of People, Commission for Justice,  
Peace, Human Rights and Human Development, Secretariat,  
Community Trust Fund, International Movement Against Discrimination and  
Racism, Justice and Peace for Integration of Creation, Law & Society Trust,  
Rights Now – Collective for Democracy and two others*

26 February 2008

## CONTENTS

<b>1.</b>	<b>Context.....</b>	<b>3</b>
<b>2.</b>	<b>Administration of the local government election.....</b>	<b>4</b>
<b>3.</b>	<b>Situation Analysis.....</b>	<b>5</b>
	<b>3.1 Forced election participation.....</b>	<b>5</b>
	<b>3.2 The security situation and the role of violence in the elections.....</b>	<b>6</b>
	<b>3.3 Manipulation of the indicators of a free and fair election.....</b>	<b>7</b>
	<b>3.3.1 Women’s participation.....</b>	<b>7</b>
	<b>3.3.2 Social transformation through the nomination process?.....</b>	<b>7</b>
	<b>3.3.3 Marked drop in reported human rights violations.....</b>	<b>8</b>
<b>4.</b>	<b>Other critical issues: IDPs, sexual violence, generalised armed violence.....</b>	<b>8</b>
<b>5.</b>	<b>Conclusion.....</b>	<b>9</b>
<b>6.</b>	<b>Recommendations.....</b>	<b>10</b>

**‘Afraid even to say the word’: Elections in Batticaloa District**  
*Report of a joint civil society visit to Batticaloa, 16-18 February 2008*

## **1. Context**

Sri Lanka’s ongoing ethnic conflict has devastated the country, especially the North and East, with over 75,000 people killed since 1983 and more than 600,000 people currently displaced. Batticaloa has been a particularly fierce battleground since the 2004 split between ‘Colonel’ Karuna and the Liberation Tigers of Eelam (LTTE). The internecine conflict spawned by this internal struggle was fought largely in Batticaloa district. Karuna’s shift from trusted LTTE commander to vilified LTTE enemy brought him closer to the Government of Sri Lanka (GoSL). Between them there appeared to be an informal agreement – vehemently denied – that in return for military intelligence on the LTTE, Government security forces would turn a blind eye to abuses by the splinter group. Disappearances, extrajudicial killings, child recruitment and seizure of land in the Batticaloa area increased sharply from April 2004 to December 2007. In December 2006, special advisor to the UN Secretary General’s Special Representative on Children in Armed Conflict, Allan Rock, warned that this special relationship had been noted by the UN.<sup>1</sup>

Perhaps as a result of this relationship, in July 2007 the Government was able to claim a “historic win” over the LTTE by allegedly taking control of the Eastern Province for the first time in 20 years. This so-called “Eastern liberation” saw massive internal displacement and involuntary resettlement of internally displaced persons (IDPs) throughout the region. Also evident by the end of the year was the increasing influence Pilliyan, a Karuna cadre.<sup>2</sup> After a few false starts, the GoSL announced in December 2007 that local elections would be held on 10 March 2008. Nominations to nine local authorities, all located in Batticaloa district, were closed on 25 January 2008. The announcement was sealed with reports that the TMVP would contest a certain number of seats under the UPFA’s “betel leaf” symbol in Batticaloa Municipal Council,<sup>3</sup> confirming the connection between the ruling party and the Karuna/Pillayan armed group.

UNHCR reported that 7,038 families and 26,484 people remained displaced in Batticaloa district at the end of January 2008.<sup>4</sup> The IASC reported 19 IDP camps within the district in their report of 5 February 2008.<sup>5</sup> Many IDPs are from Trincomalee district, but there are also IDPs from within Batticaloa district, who are still not allowed to go home by the military.

Humanitarian agencies still face problems with regard to security of their staff, easy access to people needing assistance and a variety of other restrictions and threats, including unsubstantiated defamation by government and military officials. IASC also noted that “the looting of humanitarian assistance materials is leading to delays in programme implementation,

---

<sup>1</sup> BBC South Asia, “Sri Lanka youth ‘seized to fight’,” 13 November 2006. See [http://news.bbc.co.uk/2/hi/south\\_asia/6144200.stm](http://news.bbc.co.uk/2/hi/south_asia/6144200.stm)

<sup>2</sup> University Teachers for Human Rights (Jaffna), Special Report No. 29, “The Second Fascist Front in Sri Lanka – Towards Crushing the Minorities and Disenfranchising the Sinhalese,” released 21 February 2008.

<sup>3</sup> *Daily Mirror*, “Abducted TMVP candidate released,”

<sup>4</sup> UNCHR, Statistical summary of IDP movements in North-East Sri Lanka, 18 February 2008. See <http://www.unhcr.lk/statistics/docs/SummaryofDisplacement-7Apr06-31Jan08.pdf>

<sup>5</sup> Inter-Agency Standing Committee (IASC) Country Team, Situation Report # 111, 5 February 2008

with some agencies informing that they have suspended some work due to continued loss of material.”<sup>6</sup>

Though Batticaloa local government elections on 10 March seem inevitable, the situation on the ground does not seem at all conducive to holding free and fair elections. We met a wide range of people – local civilians, IDPs, persons affected by election related violence, CBO and NGO workers, public employees and religious leaders. Every group stated that the elections seemed neither for the people of Batticaloa nor about them. Many others expressed despair at the elections happening now, when such pressing issues as continued unpunished armed violence and on-going humanitarian concerns related to IDPs remain unresolved. “The people are not interested in elections” was a consistent verbatim refrain.

Despite the apparent reduction in violence in Batticaloa since the beginning of 2008, community members and leaders felt that human rights violations were widespread but going unreported. As one man told us, “Yes, it’s quiet in Batti now. But it was quiet on the morning before the tsunami, too.”

## **2. Administration of the local government elections**

A total of 101 members are to be elected from nine local councils (Batticaloa Urban Council and eight Pradeshiya Sabhas of Eravur, Koralepattu, Koralepattu North, Manmunai, Manmunai South and Eruvilpattu, Manmunai West, Southwestern Manmunai and Poaratheevuppattu). According to various sources, there are 274,481 eligible voters in Batticaloa district, of which nearly 55,000 voters are living within the Batticaloa Municipal limits.<sup>7</sup>

Take Eravurpattu Pradeshiya Sabha as a typical example, where several political parties are represented. Under the TMVP ticket, nineteen candidates have been nominated and among them are 13 civilians and six cadres. Sources indicate that the majority of the 13 civilians had been coerced by various means to loan their names; the TMVP are not alone in this practice. In addition the other armed groups such as the EPDP, EPRLF and PLOTE are running as Independent Group 1 with the Apple symbol, while Eros is running as EDF with the Plough symbol.

The ruling UPFA party is allying with the TMVP in the Batticaloa Municipal Council. However, in Eravurpattu PS, Koralepattu PS, Koralepattu North PS and Manmunai PS, UPFA is contesting independently of the TMVP. Where UPFA is contesting separately from the TMVP, all nominees are Muslim. The significance of this only emerges against the big picture: a cadre of disaffected former Muslim LTTE fighters joined the Army after the 1990 forced evictions of Northern Muslims. These youth were then trained by Mangala Master, an associate of Karuna, to assist in anti-LTTE activities in the east.<sup>8</sup> Thus the Muslim UPFA candidates are likely to have been pulled from this pool of armed actors. The fact that the majority of incidents of election-

---

<sup>6</sup> Ibid.

<sup>7</sup> <http://www.slelections.gov.lk/index.html>

<sup>8</sup> See above n. 2; also *Daily Mirror*, “Govt. Minister backing Muslim armed group in East: UTHR,” 21 February 2008.

related violence reported to the DIG Batticaloa in the last three weeks were made by opposition party SLMC candidates points to the fact politics, not ethnicity, are behind these problems.<sup>9</sup>

### **3. Situation Analysis**

While the East faces many difficulties, the upcoming elections are especially troubled by forced participation in all levels of the election, the persistence of violence in the region and the apparent manipulation of the usual indicators of free and fair elections.

#### **3.1 Forced election participation**

Nearly every person we spoke to expressed fear about or disinterest in the elections. One CBO worker said she was “afraid even to say the word ‘election’.” Given the impunity with which armed groups have operated in Batticaloa in the recent past, forcibly recruiting children and adults, perpetrating sexual violence, orchestrating disappearances and committing extra judicial killings, this fear appears well founded. Within the past year paramilitary groups have attempted to enter the political mainstream but have failed to disarm. To communities in and around Batticaloa, there seems to be no difference in the threat – and reality – of violence from these new “political” parties and the LTTE or other groups that have been condemned for illegally bearing arms.

##### *Box 1: Forced acceptance of nomination*

We spoke to a friend of a candidate who had been abducted and kept in solitary confinement until he accepted to place his name on the nomination list. He has many health issues and the abductors used this vulnerability (along with many other vulnerabilities that cannot be discussed to protect the source) to force him to consent to nomination.

We heard credible reports of candidates being forced to accept nomination by the various political parties/armed groups. These parties have claimed that the communities selected these individuals, but reports indicate that in some cases the nomination process was predetermined by the stuffing of sample ballot boxes. Friends and neighbors of these “nominated” candidates now avoid them for fear of association. However this is only likely to last until the day after the elections; many civilian nominees expect to be asked to resign in favour of political appointees.

##### *Box 2: Consequences of refusing nomination*

Ms. Y is a middle aged woman whose husband was killed during the nomination process. As an eminent member of the community he had been asked to represent one of groups contesting in the election. He refused to stand for this particular party, stating that he had family responsibilities. One afternoon, while returning home, he was killed by two armed men. Ms. Y knows the men who killed her husband – she passes them frequently when she runs errands. When asked why she had not reported this incident to the police, her response was, “I have lost many people in my family and I don’t want to lose the rest.” She told us, “The bread winner of my family has been taken away. Please find me a job.” She did not seek pity or handouts. She has told her children that their father has gone abroad to get more money for the family.

---

<sup>9</sup> *Daily Mirror*, “25 incidents of election violence in Batti,” 22 February 2008.

The people of Batticaloa seem stuck between the proverbial rock and a hard place. Leading up to the elections, the government-allied parties have insisted that the people vote. At the same time, the LTTE sent some local people and all candidates written warnings, seen by the visiting group, stating those standing for election will be considered “traitors to Eelam.” To further complicate the situation, communities in and around Batticaloa have since been informed by the media and word of mouth that this notice was actually the work of rival parties and not the LTTE, in order to discourage Tamils from voting for their “choice”, namely the armed groups.

We were also informed that arrangements for transportation to polling stations on 10 March had already been arranged by some armed groups. The community explained they were going to be asked to get into tractors and buses on the morning of election day and delivered to the polling station. Once there, most planned to vote for those who drove them in the buses, or else they feared the buses will come for them again the next morning.

### **3.2 The security situation and the role of violence in the elections**

Though weapons are currently only visible in Batticaloa in the hands of the military, there is a deep, widely held conviction that armed groups have not permanently disarmed but only put their weapons out of sight for the moment. There is a palpable dread about what may happen after 10 March. Many noted that while some individuals were clearly coerced into contesting, in other cases known perpetrators of killings and abductions now sought election as politicians. This common occurrence risks legitimizing past violence while denying the victims any chance for justice.

When these newly formed political groups solicit votes in the villages, the villagers have often pleaded, “Give me back my child, I know you took my child, and I will vote for you in the election” or “If you give me my child back, I will vote for you.” Simultaneously, the vast majority of attacks reported to government institutions and other outside non-government bodies have allegedly been committed by “unknown” perpetrators or armed groups. This phenomenon seems to indicate that in many cases the victims recognized their attackers, but fear further attacks if they were to publicly identify the perpetrators. The widespread fear within communities indicates that sufficient steps have not been taken to safeguard these people and the planned elections against threats of violence.

#### *Box 3: A community based activist’s view*

We met with a few community representatives from interior areas of Batticaloa. An open question about the general situation led to an hour long, animated conversation about grievances related to the culture of armed violence and ongoing IDP and humanitarian issues. However, when we specifically asked for their thoughts on the election there was a long silence. All eyes dropped. A female member of the group said, “If my family had known I would be discussing the election with you, they would not have allowed me to come to this meeting.”

Local activists emphasized that militant culture is not the same as normal democratic culture. The contesting armed groups cannot be transformed overnight – given the historic mentality of these perpetrators / politicians and their historic use of violence and coercion, it is very probable

that their practices will remain the same even when they are elected to public office. In this pre-election period, all “parties” seemed to be “behaving themselves”, in the words of a number of local people, but it is seen as likely that after the election the winning parties will seek to consolidate control through more violence, while the losing parties will try to contest the election results through equal levels of violence.

According to reliable sources, disappearances in Batticaloa were high at the end of 2007: 28 in October and 32 in November, rising to a 2007 high of 44 disappearances in December. However in January 2008 there was only eight reported disappearance.<sup>10</sup> It is astonishing that the reported occurrence of disappearances could drop so precipitously without intervention. It is surely notable that elections were announced in December and the nominations list closed in January. An observer could be forgiven for thinking that the holding of elections every few months might actually mitigate human rights violations in the east.

It is important to note that fear for the safety of UNP and TNA candidates prevented those parties from contesting the Batticaloa elections. This fear has been vindicated not only by the series of attacks suffered by SLMC candidates, but also by EPDP and even UPFA candidates (there have been media reports of specific cases, also in CMEV report). The reported lack of police willingness even to register complaints of election-related violence is also troubling.

### **3.3 Manipulation of the indicators of a free and fair election**

#### **3.3.1 Women’s participation**

Compared with previous elections in Sri Lanka, women’s participation seems to be higher than usual, based on the number of candidates nominated – a total of 97 women out of a total of 831, or just over 10% of nominees. The TMVP have nominated seven women candidates, JSU has 44 women candidates and EDP has 30 women candidates. While these numbers for women candidates seem encouraging, they are not necessarily indicative of healthy political development, as some of these candidates privately reported being forced to accept nomination, as in other cases noted above. It was also reported that the wife of the local TMVP leader in Ariampathy was one of the candidates for that group, calling into question the independence of the nominee.

#### **3.3.2 Social transformation through the nomination process?**

Similarly, there appears to be strong grassroots-level participation in the elections. For example, we heard about an ordinary fisherman nominated as candidate who now sells his fish at the market under the protection of police officers provided to all candidates by the government. Local participation is welcome in theory, however in the upcoming elections it is questionable what degree of participation will be possible. Many people we spoke to – regardless of their background – noted some nominees had been chosen for their lack of education, so that they could be influenced to do the armed group’s political bidding. Such candidates were also seen as a potential “front” for the respective parties, to be replaced once the seat in question was captured. This impression is supported by the fact that no efforts have been made to prepare these nominees for the work of local government officials. True empowerment also requires

---

<sup>10</sup> Data on disappearances examined for January 2007- January 2008.

passing on the knowledge, skills, and training that will enable the candidates to improve their communities if elected.

*Box 4: Some views from current public servants*

We were informed that some Municipal Council and Pradeshiya Sabha staff have requested transfers, since they feel they know who is going to win this local election. They also expressed concern about the potential misuse of funds earmarked for as-yet unfinished tsunami reconstruction projects and other humanitarian assistance. Finally, they suspected that their professional independence would be compromised – by threats or possibly by force – if they stayed and worked with these newly elected persons.

### **3.3.3 Marked drop in reported human rights violations**

While on the surface, the decrease in numerical violations discussed previously seems to show an improvement in the situation, the impact of this decrease on the ground is mitigated by communities' fear that it will not last for long. As one local activist observed, "The controls are already in place," meaning that longstanding pre-existing factors – children recruited by the TMVP, husbands, fathers and sons abducted, land seized – all exert "control" through fear of further loss or harm. Connected to this phenomenon, it is recognized among human rights monitors that violations are going unreported because people are terrified into silence. People we spoke to felt that this temporary reduction was intended to create the appearance of a conducive space for free and fair elections.

This decrease in reported violations has been accompanied by a marked increase of checkpoints. Within the past year the number of checkpoints from Kallady to Ottamavady has shot up from 8 to 26, and civilians face many difficulties and delay whenever they must travel. It was reported to us that the harassment at these checkpoints has worsened to the point where even schoolchildren are drinking alcohol and smoking cigarettes to prove they are not LTTE cadres, who are strictly prohibited from these activities.

## **4. Other critical issues: IDPs, sexual violence, generalised armed violence**

Though the imminent elections seem to have eclipsed other issues, we encountered significant unresolved concerns around IDPs, sexual violence and a culture of armed violence that continued to impinge on democratic space outside of the elections. The information in this section is intended only as a survey of issues of concern outside the election process, as raised by several respondents.

Concerns relating to IDPs included persons displaced within Batticaloa district as well as those displaced from Trincomalee district to Batticaloa. Batticaloa IDPs from Pathipallai in Chenkalady DS reported that they were still not allowed to return to their places of origin due to unexploded ordinance. Since 5 January 2008 these IDPs have been given permission to visit their paddy fields between 9am and 4pm daily, but are not allowed to cultivate. At the time of our visit, access to the fields was still restricted to elderly persons with National Identity Cards; the NICs had to be surrendered to the Army camp nearest to the paddy fields. All IDPs are eligible to receive special temporary IDs issued by the police (these carry the District Secretary's

signature and a photo of the individual), but these IDs were not being accepted as valid by the Army. As a result, young people were not being allowed access to cultivatable land, while their families suffered malnutrition and starvation in IDP camps due to insufficient or non-existent rations. IDPs we met in one camp said there is no government assistance at all and that the minimum WFP rations like rice, dhal etc. are not sufficient. They do not get food like fish and vegetables, and this situation is made worse by the fact that they have difficulties in obtaining jobs.

IDPs originally from Sampur and Muttur – now High Security Zones – have been told that they will be resettled by 10 March. They have not, however, had any opportunity to visit their homes to determine whether or not this is desirable, nor have there been any indications that infrastructure has been put in place ahead of their alleged return. The linking of the date of the election with these resettlement “plans” indicates the possibility that this statement was made as an election pledge.

We also heard several disturbing accounts of rape in both IDPs camps and other settled areas. six cases have been reported to international agencies and NGOs since January 2008, five of which implicated Government security forces. Survivors were afraid to file official complaints due to concerns about personal security and social stigma. One woman had to be relocated due to threats against her life because she sought medical treatment after the attack.

## **5. Conclusion**

We note that Tamils and Muslims in Batticaloa share a long and deep history of co-existence and common kinship. The bonds of friendship among these communities have been systematically instrumentalised and targeted by all parties to the conflict, and in state counter-terrorism operations with the aid of paramilitaries in the years of dirty war in Sri Lanka. We call on the state, LTTE, TMVP and other parties to desist from promoting ethnic disharmony and ethicizing state administrative structures and local government institutions. The need of the hour is to promote respect for multiculturalism, multi-ethnic and multicultural local government institutions and peaceful coexistence among all communities in the eastern province to ensure real democracy.

Throughout this visit the common response from people of any conceivable background was simply, “This election is not for us and not about us.” This conclusion finds ample support from the experiences shared with us. At present the only tangible political agency that the local community seems to have is the bargaining chip of “give me back my loved one and I will vote for you.”

The perpetrators of violence have sought to make a good impression on election monitors as they seek to legitimize their influence on local communities by entering mainstream politics while retaining their arms and using them as they wish. Faced with mortal fear of post-election retaliation, affected communities feel unable to report violations or even protest against them.

While international and independent election monitors generally have a positive influence on the electoral process, the presence of monitors inherently risks legitimizing elections despite sincere efforts to expose any violations. Moreover, monitoring that fails to accurately reflect local experiences of the elections will become complicit in the violations that undermine democratic governance. In the view of many local people, monitoring in Batticaloa can at best be only damage control – if the flawed process must proceed, then at least they would like to see that some people are kept safe, some ballots are cast correctly, some democratic space is protected.

If one uses a “toolkit for democracy” and simply checks the presumed indicators without an understanding of the complexities and the instilled culture of fear, then the Batticaloa election process approximates freedom and fairness. But an examination of the whole structure of elections in Batticaloa reveals serious issues that undermine any such possibility: from the Election Commissioner, appointed in breach of the 17<sup>th</sup> Amendment; to the electoral lists, which do not include all eligible voters; to the decision by the UNP and TNA not to contest out of fear for their prospective candidates, thereby shrinking the choices available to voters; to the nomination process which has involved violence against unwilling candidates; to threats against voters and candidates alike. Even a few of these elements would undermine the credibility of an election; seen altogether, that credibility collapses utterly.

Some community leaders believe the primary benefit of these elections will be to attract donors for “Nagenahira Navodaya” (Eastern reawakening). Others have observed that one armed group assisted some resettled IDP communities, thereby earning respect and now, a political base, at least from this small constituency. But the Batticaloa elections seem to be about legitimizing brutality through forced political authority and participation. In our view, based on what we saw and heard, there can be no celebration of a return to democracy in the East. The distance left to travel will not be covered by 10 March.

## **6. Recommendations**

- Stop the election process immediately
- Reappoint the Constitutional Council and appoint new commissioners to head to all independent bodies, including the Elections Commission, in keeping with the 17<sup>th</sup> amendment
- Disarm all armed actors by confiscating all weapons permanently
- Take measures to stop fueling ethnic tension in the east
- Improve freedom of movement in Batticaloa District by
  - Removing checkpoints except where deemed absolutely necessary
  - Give priority to issuing NICs to IDP who do not have them, instead of IDs that are valid only in some districts – “race” should never be mentioned
- Ensure that all IDPs originally from Batticaloa are registered to vote and provided with ballots, whether they are living in IDP camps or with host families in the community