

INTERIM REPORT 1

Large Scale Misuse of Public Property in 2015 Presidential Election

It is with great concern that Transparency International Sri Lanka's Program for Protection of Public Resources (PPPR) issues its first interim report related to the forthcoming Presidential Election where already a massive amount of public resources ranging from state funds to public officials have been utilized for election campaigning purposes.

Keeping with its mandate of minimizing corruption in Sri Lanka, the PPPR launched its monitoring activities on 21st November 2014, a day after the incumbent President declared an election, to ensure that public resources are not misused and abused during the election period. Obtaining the required approvals from the Department of Election, the PPPR team deployed a vast network of election observers covering all 25 districts to specifically monitor the misuse of public resources. The PPPR also opened its hotlines / email and fax numbers to receive public complaints related to this issue and have so far recorded over 170 complaints. Six observations reports have also been submitted for the action of the Election Commissioner with several of them receiving a positive outcome.

The PPPR Methodology

The initial PPPR methodology was developed in 2001 when Transparency International Sri Lanka (TISL) first began its election monitoring activities. Since then the methodology adopted to monitor the usage of public resources for electioneering have been fine-tuned to make it a citizen centric methodology in order to capture the on-going misuse, take preventive action and make the public aware of the status of misuse in the country. As such the overall objectives of the Program for Protection of Public Resources can be articulated as below:

- Create a level playing ground for all presidential candidates for a free and fair election preventing the misuse of public resources during the island-wide election campaign and bringing such incidents to the immediate attention of the relevant authorities for deterrent and remedial action.
- Protect and encourage public officials directly and indirectly involved in election work to respect the rule of law as guardians of public resources by providing them legal assistance in case of victimization of such officials.
- Lobby for strengthening the legal framework for election and democratic practices by presenting a report containing recommendations based on the lessons learnt during the presidential election campaign to the authorities.

Once election was declared on 20th November 2014, TISL activated its vast election observer network which covers every electorate in the country. A District Coordinator was appointed to collate and verify information pertaining to allegations of misuse obtained from the Electoral Coordinators appointed for every locality. All complaints collected through the observer network is verified for accuracy by the PPPR team and a team of investigators consisting of retired Police Officers. Apart from the observer network TISL information collection system is also supported by existing networks such as the Coalition against Corruption and the network of Investigative Journalists.

Furthermore a series of public advertisements were publicized in print and electronic media in all three languages requesting public to extent their support to the program. The response of the public has been overwhelming with many of them calling, emailing and faxing the program details of misuse with the corresponding evidence. The PPPR team also makes regular visits to the districts to monitor the explicit and implicit misuse of public resources. These visits have helped the team to unearth with the relevant evidence serious cases of misuse which have been reported to the relevant Additional Election Commissioners as well as the Election Commissioner himself.

Incidents reported to the Election Commissioner

1. The distribution of goods and money as election bribes

- Distribution of Sil redi

A program to distribute religious attire (Sil Redhi) amounting to 1000 Million LKR across the Island in a manner that supports the UPFA presidential candidate is currently underway. 5 meter long material is being provided by three private companies ranging from 125 LKR to 160 LKR per item. The entire order comes to a total of 1000 million LKR of which LKR 40 million LKR has been given to ClipTex Garments. This payment has been made by Venerable Vatinapaha Somananda Thero through the presidential secretariat. The finances have being obtained by the Ministry of Industry and Commerce.

The distribution of the above mentioned packs are currently underway under the supervision of a Bhikku organization belonging to the Venerable Vatinapaha Somananda Thero. Certain temples have been assigned up to 6000 packs while others will receive 2000, 1000 or 500 packs according to the given instructions. Certain temples have refused to accept these clothing materials while others have questioned why the government realized their existence only during election times.

- Distribution of Mobile Phones

Under an initiative titled “Kalaguna” mobile phones were distributed to pensioners in association with Mobitel Pvt Limited all across the country. The initiative is jointly carried out by 4 entities namely, Ministry of Public Administration and Home Affairs, Sri Lanka Youth, Sri Lanka Telecom and Mobitel Pvt. Limited.

The official circular pertaining to the above distribution mentions that this is an initiative carried out under the provisions made by the Mahinda Chinthana – Vision for the Future (Mahinda Chinthana Ediri Dakma). Actions such as these where three state departments are actively involved in, is merely a promotional tool to distribute gifts as incentives to a large group of people which would undoubtedly bring an unfair advantage to one party through the misuse of state funds. Cabinet Ministers, political representatives of the government and Divisional Secretaries have also attended these functions.



2. The use of state funds to publish advertisements

A review of mainstream newspapers during this period revealed that advertisements are being published under the patronage of government institutions promoting the UPFA Presidential candidate. It has been recorded that advertisements have been published by the Ministry of Education, Ministry of Finance and Planning, Ministry of Transport and Ministry of Ports and Highways. Two of these Ministries come directly under the control of the UPFA Presidential candidate.

3. The large-scale use of buses belonging to Sri Lanka Transport Board

The use of buses belonging to the Sri Lanka Transport Board, which comes directly under the Ministry of Transport, has been one of the most glaring abuses of state property in the 2015 Presidential election campaign. The buses have been used to transport the public to all of the major rallies held up to date to canvass support for the UPFA presidential candidate Mahinda Rajapaksa. People were often transported duress evidenced by the complaints received by passengers that were being transported.

In most cases these buses have been obtained without any payment to the relevant depots. Investigations have revealed that the use of buses daily costs the Ministry a staggering loss of 6 to 8 million LKR. Even though the Transportation Minister stated that payments have been made in advance for the use of these buses, during queries made to the depots in Vavuniya, Mulativu, Kilinochchi, Horuwpatana and Kakirawa it was revealed that no such payment has been made.

Additionally transportation services in many rural areas of the country were completely disrupted due to this practice. The most disturbing disruption was hardship faced by students who sat for the G.C.E. Ordinary Level Examination who were left stranded without the services of the public transportation which they depend on so heavily.

It has been reported to us that for President Mahinda Rajapaksa's inaugural rally held in Anuradhapura a total of 1100 buses have been used. The orders for the release of this property have been given by the Transport Minister Kumara Welgama and the Secretary to the Sri Lanka *Nidahas Sevaka Sangamaya* of CTB Nimal Abeysinghe, against any formal protocol.

As informed by the authorities of the SLTB Bus Depots, in some cases nearly 80% of all buses used in the Bus Depot have been utilized for this purpose. For example 50 out of the 57 buses in operation at the Horowpathana Bus Depot and 50 out of the 62 buses in operation of the Kakirawa Bus Depot have been misused in a similar manner. Additionally 30 buses from Jaffna, 20 buses from Vavuniya and Mulativu respectively and 10 buses from both Mannar and Kilinochchi have been misused for the election rally in Anuradhapura. The PPPR team has the details of 252 buses deployed for the rally in Chillaw on 16th December 2014, 125 buses used for a meeting at the Shalika Grounds in Colombo 5 on 12th December 2014 and 164 buses used for the meeting in Ampara on 20th December 2014.

In a similar manner a total of 750 buses have been utilized for the election rallies of presidential candidate Mr. Mahinda Rajapaksa held in Narahenpita, Kaburupitiya, Dambulla, Nawalapitiya and Kandy.

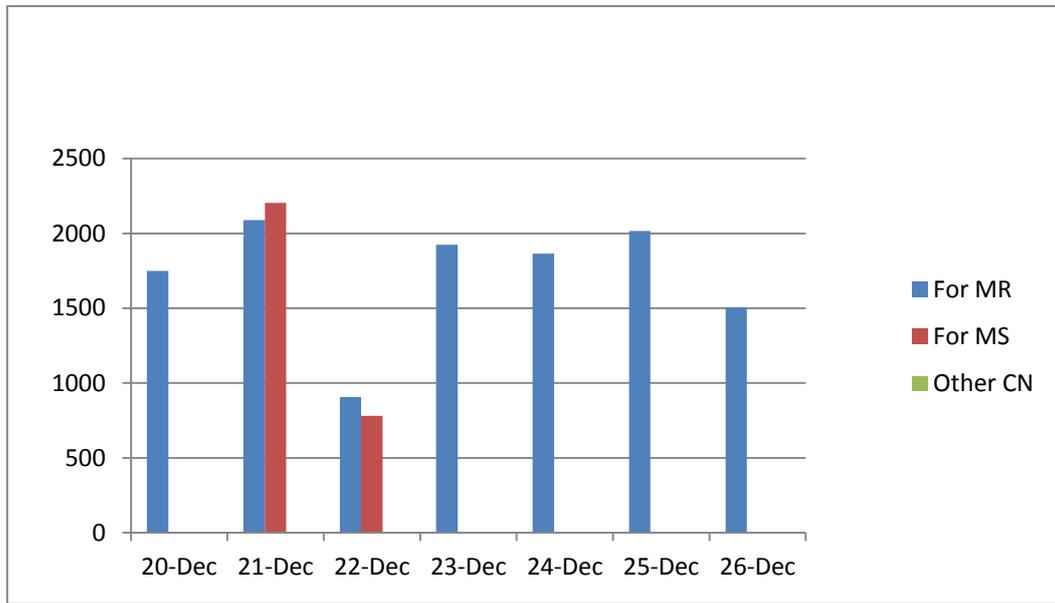
4. Misuse of state media

The Program for the Protection of Public Resources also monitors the behaviour of state media during the election period. As such reports have been submitted to the Election Commissioner on irregular and disproportionate space provided to the Presidential candidates in print, television and radio. Attention is given to media institutions related to Sri Lanka Broadcasting Corporation, Associated News Papers of Ceylon (ANCL) and Independent Television Networks.

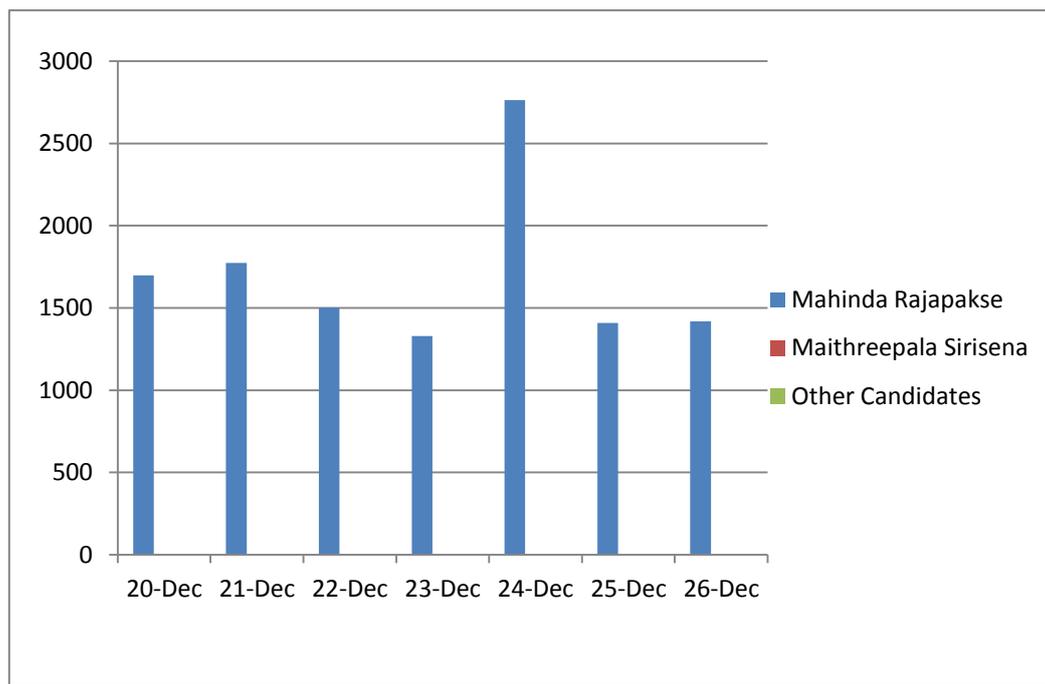
Despite the Elections Commissioner having released guidelines related to the presidential election it is observed that state media had not paid any attention to the guidelines. The study on media has revealed gross violations of professional standards of journalism practices such as accuracy, impartiality, balance and being nonpartisan.

Space divided among presidential candidates from December 20th to 26th 2014 in

Dinamina and Silumina (Daily and weekly newspapers-Sinhala)



Thinakaran and Varamanjari (Daily and weekly newspapers-Tamil)



It is our observation is that being one sided, and partiality of state media which is a public property, is an abuse of public property. This has undermined the main role of the media during an election period which is to keep citizens informed with accurate information to make an informed decision at the forthcoming election.

5. Government officials participating in election campaigning

It has been reported that government officials ranging from executive level officers to clerical staff are currently being utilized for election campaigning. The PPPR team received photographs and videos evidence of staff attached to the Road Development Authority (RDA) carrying out campaigning activities in several districts including Puttlam, Matara, Galle, Vavuniya and Ratnapura. According to the information received, this entire exercise is an order made by higher authorities and thus the workers have no choice but to carry out the propaganda related work. As such the PPPR network witnessed RDA officers, in uniform, pasting posters in several districts. It is also important to note that this was put to a stop by the PPPR team after it was reported to the Election Commissioner.

What is more concerning is the involvement of executive level officers in electioneering. It has been noted that Gotabaya Rajapakse, Secretary to the Ministry of Defence and Urban Development as well as Lalith Weerathunga, Secretary to the President is actively involved in the campaign of the UPFA Presidential candidate. Furthermore the local level public officials as well as governors of the Southern Province and the North Central provinces were witnessed in campaign meetings.

In other cases public officials were summoned for political related meetings and were forced to attend with or without their consent. A meeting was held at the Fort Railway Station on 19th December from 3.00 pm to 5.00 pm to declare support to President Mahinda Rajapaksa and object to the Common Candidate. The meetings was convened by *Sri Lanka Nidahas Ekabadda Janamadya Sansadaya* with the participation of officers attached to the Rupavahini Cooperation, SLBC, ITN, Lakhanda Radio, Lake House and the Panaluwa-Padukka branch of the State Printing Cooperation without obtaining leave.

The officers attached to SLBC, Rupavahini Cooperation and Lakhanda Radio complained to us that they were directly pressured by high ranking officials. A high ranking officer of Rupavahini Corporation has threatened to fire newly joined employees if they do not participate.

These employees have been used to distribute flyers and handbills carrying pictures of President Mahinda Rajapakse inside and in front of the railway station.

Furthermore we observed the following resources also being used for campaigning purposes:

1. Nissan van with the number WP PB 2115 (This van which belongs to the Lake House was used to transport campaign material)
2. Bus with the number 63-1631 (Bus belonging to the Rupavahini Cooperation used to transport all people to the meeting)
3. Crew Cab with the number WP LG 5369 (The employees of Lakhanda used this van to transport sound systems. The ITN logo in front of the van was covered with a piece of white paper)
4. Mobile broadcasting vehicle with the number WP LL 4587 (A mobile broadcasting vehicle used during the meeting for sound distribution)

6. Amalgamation of Sri Lanka Youth with *Tharunyata Hetak*

Sri Lanka youth operating under Ministry of Youth Affairs and Skills Development is directly involved in promotional activities of the UPFA.

During the 11th and 12th of December the officials of the Sri Lanka Youth training center in Batangala, Awisawella had invited all youth officers across the country for a two day training on the process of conducting the promotional activities of the UPFA. This training was conducted under the auspices of the chairman of Sri Lanka Youth Lalith Piyum Perera. The participants had been instructed to gather a total of 100 young people from their respective areas in order to be trained in correctly carrying out the promotional campaigns of Mahinda Rajapaksa.

7. The use of the military for campaigning purposes

The most recent violation that was put to a stop by the Election Commissioner on request of the Program for Protection of Public Resources was the distribution of leaflets to families of army personnel. A brochure with the image of the incumbent President was printed to be posted to 30,000 army personnel by the Army Commander. A number of army personnel were seen in the Postal Department stamping the said brochure which was paid for by using 5.5 million LKR of state funds. Furthermore the UPFA candidate also tried to send 210,000 letters to the families of army personnel. This too was stopped by the intervention of the PPPR team.

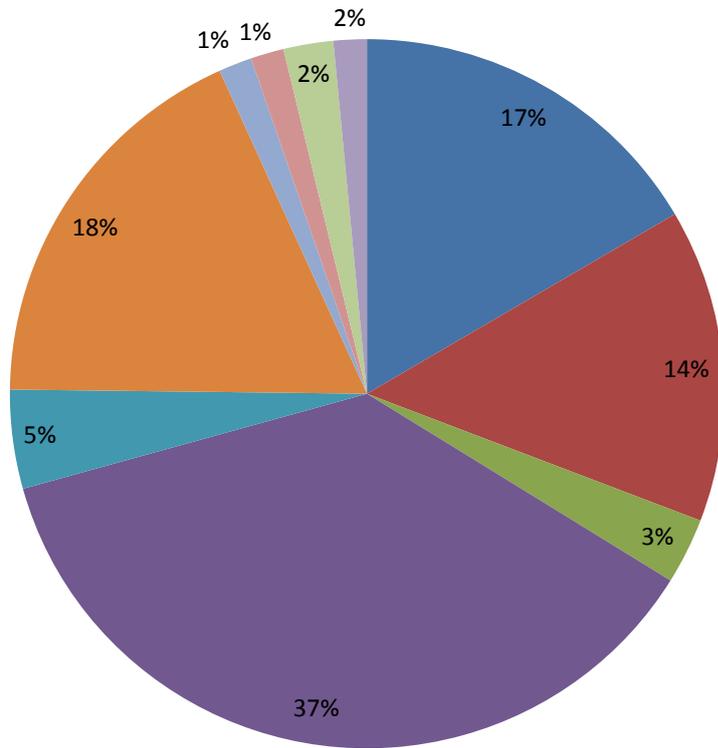
A meeting was held for retired officer under the patronage of Brigadier Rohitha Dharmasiri at the Trincomalee Fort Army Camp on the 17th of December. The Brigadier who addressed the officers at the meeting had emphasized that the officers should vote for the incumbent President in order to avoid another war.

A media briefing was held by the Chief Commanding Officer of the Gajaba regiment Major Mahesh and the 2nd Chief Commanding of the same regiment Officer Major Susith, in the presence of members of military families requesting them to vote for President Mahinda Rajapaksa. The briefing was held on the 17th of December at Andankulam around 3.30 in the evening. We have been told that a military cab bearing the number 49575 has been used for the event.

The nature and district wise distribution of incidents

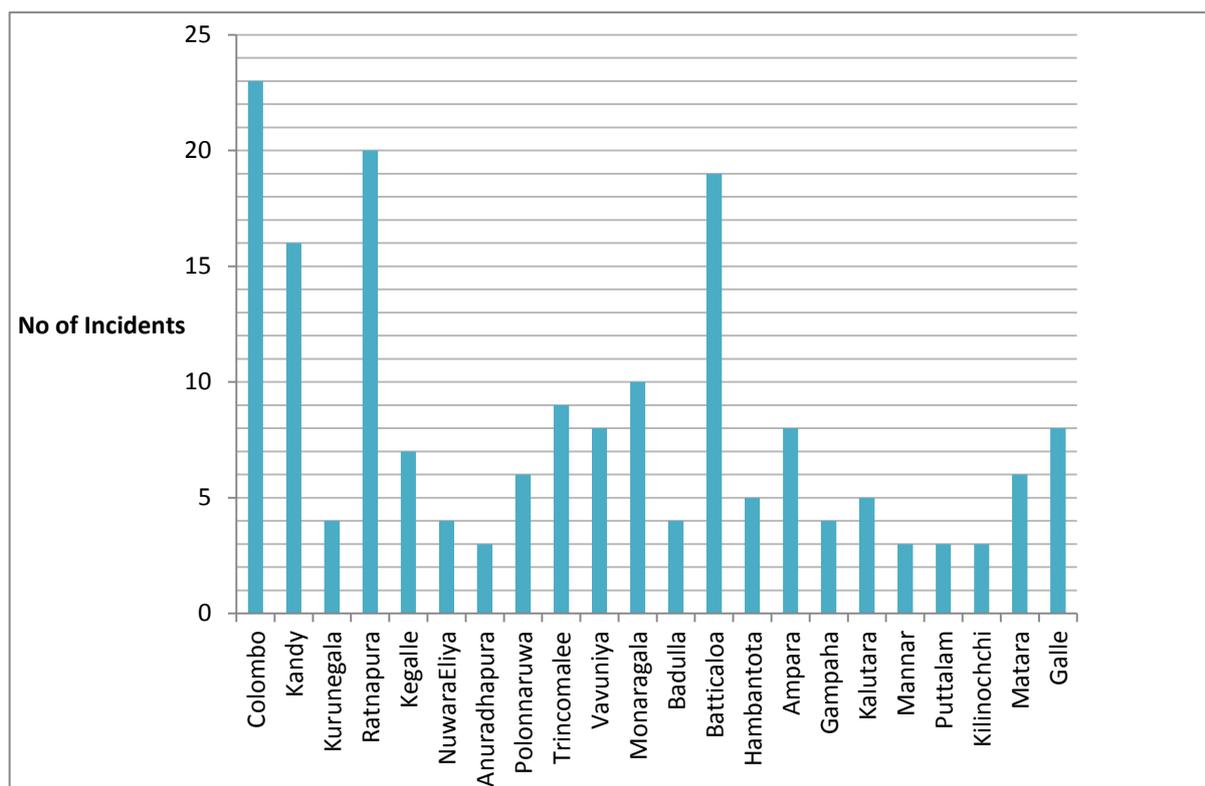
The following chart shows the nature of the complaints so far received by the PPPR team. The largest number of the complaints was on the misuse of government buildings for election purpose of the presidential candidate, Mahanda Rajapaksa.

Nature of incidents reported



- State owned Funds
- Government owned vehicles
- Government property
- Government owned buildings
- Public Road
- Public officials
- Billboards / cutouts/ posters (put up illegally/ not removed)
- Military and Police
- Promotion and Jobs
- Setting up illegal election offices

Incidents reported district wise



As the above chart illustrates complaints have been received and recorded from 22 districts to date. The majority of the complaints have been received from the Colombo district. Approximately 70% of the complaints relate to the misuse of state owned buildings, state funds and the involvement of public officials in electioneering. The large scale distribution of items such as Sil Redhi, asbestos, seeds, three wheeler tyres and in some cases the distribution of cash can be considered as serious violations of the election laws in the country amounting to election bribes.

Action taken

The Program for Protection of Public Resources has taken steps to take prompt preventive and remedial action to mitigate the misuse of public resources. As such periodic complaints and reports have been submitted with the relevant evidence to the Election Commissioner regularly. The PPPR team notes with appreciation the positive steps taken by the Election Commissioner in response to these complaints and for supporting the work carried out the PPPR.

Letters have also been sent to secretaries of all Ministries requesting them to take all possible measures to prevent state resources belonging to the Ministry from being misused during Election. Based on complaints received the PPPR have also issued specific letters to other government institutions such as the Prisons Department and the Ministry of Education.

A letter was also issued to Dr. P.B. Jayasundera, Secretary to the Ministry of Finance and Planning, inquiring about the allegations levelled against him regarding the granting of promotions, salary

increments and other allowances without the required approvals from the Salaries and Cadre Commission and the Cabinet. In one instance an allowance of Rs. 15,000 was given to specialist doctors. This came under much criticism from other government sector unions. Dr. Jayasundera has responded and mentioned that he had meetings with secretaries to the Ministries to explain the government position with regard to demands from of the trade unions for various allowance.

The Program for Protection of Public Resources works in close partnership with other national level election monitoring bodies, namely – People’s Action for Free and Fair Election (PAFFREL), Centre for Monitoring Election Violence (CMEV) and CaFFE. The PPPR participated in the joint press briefing held by the election monitoring bodies on 10th December 2014 where valuable insights into election law violations were shared with the media. The PPPR have also signed a Memorandum of Understanding with PAFFREL to ensure all complaints received by the latter on the misuse of public resources will be shared with the PPPR.

Key Concerns

With one week left for the Presidential election the Program for Protection of Public Resources is deeply concerned about the magnitude of resources that have been arbitrarily used for election campaigning. The existing culture of bribery and corruption has slowly but surely entered the electoral process as evidenced by the goods and money that have been used to induce voters. The overwhelming amount of goods distributed especially outside of Colombo to specific target groups such as pensioners, farmers, Samurdhi benefactors, military personnel and even school children can clearly be termed as election bribed. This has put the general public under immense pressure forcing them to be partial towards one candidate over the other based on the promise of goods and services.

The PPPR also urges all public officials engaged in election related duties and otherwise to uphold the integrity of the electoral process and the independence of the public service by not engaging in electioneering. While we commend those officers that have not bowed down to pressure and intimidation we call on all officers to safeguard the resources of the public for the good of the public.
