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EASTERN PROVINCIAL COUNCIL ELECTION

The Eastern Provincial Council Election on 10 May 2008 was a worthwhile exercise that served as an eye-opener to many.

Government and its supporting parties claim that the Eastern Provincial Council Election was free and fair. But all the opposition parties and Election Monitors have complained that the election was not free or fair.

According to the UNP this was the most corrupt election in the history of country's elections. The JVP stated that the democratic rights of the Eastern people to elect their representatives feely had been violated at this election.

The average votes polled during 2004 General Election in the Eastern Province was 77% of the registered votes. But the average votes polled in 2008 PC election was only 60%. More than 17% - 100,000 people were not allowed to cast their votes.

For all the government's boasts about winning a mandate from the East, the real difference in votes is just 58,154 and this include rigging, ballot box stuffing and impersonation. This could be subject to significant changes depending on party alliances, ground conditions and voter turnout at the time of future elections.

The general elections must be held by April 2010 and the next Presidential Poll is due in November 2011. The Tamil - Muslim dispute after the Chief Minister episode already threatening to take the UPFA alliance apart.

At a meeting on Tuesday (May 13, 2008) with representatives of the UNP and SLMC, Elections Commissioner Dayananda Dissanayake advised the opposition parties to seek legal action against the Eastern Provincial Council Election as he was unable to take action since senior presiding officers had not made any complaints in support of the allegations made by political parties and several other election monitoring bodies.

The United National Party (UNP) and the Sri Lanka Muslim Congress (SLMC) are in the process of collecting necessary data and finalizing a petition to be submitted to the Court of Appeal shortly. The parties will seek the annulment of the results of Trincomalee, Batticaloa and Ampara Districts, citing mass irregularities – including rigging, ballot box stuffing, impersonation and failure by the respective authorities to take action when incidents were reported.

The respondents will include Elections Commissioner Dayananda Dissanayake, the returning officers of Trincomalee, Batticaloa and Ampara and the candidates.

M.I.M. Mohideen
Chairman

23 May 2008

ELECTION IRREGULARITIES

The People's Action for Free and Fair Elections (PAFFREL), said it noted an increased number of incidents during the last few days before the elections.

It said more than hundred incidents were reported including some cases of threat and intimidation and 13 instances of misuse of public property, such as the state media.

PAFFREL said it observed several key issues which prevented the conducting of a free and fair election. These included the fear psychosis that was spread all over the Eastern Province, the presence of TMVP armed cadres, the launching of development projects to coincide with the polls in apparent violation of election laws and political parties not being able to deploy polling agents to some polling stations due to intimidation.

With 15 minutes for voting to close at the polling booth of the Ariyampathi Tamil Maha Vidyalaya on the election day, a gang stormed the booth and asked as to how many votes were yet to be cast. The officials, obviously through fear, disclosed the figure and were told "our men will be coming to vote do not obstruct them".

Minutes later, eyewitnesses said another gang stormed the booth, grabbed the unused ballot papers and stuffed them into the boxes. The eyewitnesses identified the gang as cadres of the TMVP or Pillayan group. No action was taken against them by the officials or by the police officers guarding the booth, they said.

At Vakarai, TMVP cadres armed with pistols walked into the polling booth and ordered the UNP polling agent to leave immediately. Though another UNP member from outside the province was present, 500 ballots were grabbed and stuffed into the boxes while the officials just watched on. A lawyer representing the UNP immediately wrote a letter to the senior presiding officer, but it was not accepted, two election monitors said. The UNP polling agent who was chased away had tried to lodge a complaint at the police station but he was turned away and an armed gang was seen following him on motorcycles.

At Mahajana College Batticaloa, a candidate detected an impersonator and informed the police and the Senior Presiding officer, but the complaint was ignored. Attempts were made to lodge a complaint at the local police station but the polling agent was turned away, eyewitnesses said.

These were just a few of the election malpractices reported by opposition candidates, agents and observers, but many others went officially unreported as presiding officers and police stations refused to record the complaints.

They said the monitors had drawn the attention of the Elections Commissioner to blatant violations of election laws mainly at the polling booths in the Verugal, Kappalthurai and Echampaththu divisional secretariat areas in Trincomalee, the Valaichchenai, Ottamavadi, Porralive, Kokkadichcholai, Katankudi and Ariyampathi areas in Batticaloa and Thirukkivil and Akkaraipattu areas in Digamadulla.

According to the Centre for Monitoring Elections Violence (CMEV) several serious incidents were reported from Thirukkivil and Alayadivembu in the Pottuvil electorate of

the Amapara district. The charges included the presence of armed TMVP cadres outside polling booths, children as young as 13 or 14 distributing polling cards and even casting votes, impersonation and the absence of an official to check the ID cards. Such incidents took place in at least 13 polling booths in Pottuvil, CMEV official Manjula Gajanayake said.

He said CMEV monitors had seen polling agents being chased away by gangs from the booths at the Vakarai Maha Vidyalaya. "Some 150 people came in buses went to the polling station around 2p.m., chased away the polling agents and stuffed the ballot boxes with votes," Mr. Gajanayake claimed. He said people carrying arms were seen traveling in vehicles without number plates in Batticaloa where illegal voting was seen in several areas. "People standing outside the polling booth in Kattankudi were seen distributing bogus ID cards or casting illegal votes," Mr. Gajanayake said.

The Campaign for Free and Fair Election (CaFFE) reported that armed gangs were seen in areas such Batticaloa and Kalmunai. But they quickly dispersed when they saw the monitors, CaFFE spokesman Kirithi Tennakoon said.

He said that in Trincomalee, CaFFE officials observed that internally displaced persons from Puttalam were brought there to cast illegal votes.

"Around 500 people were brought from IDP camps in Puttalam to Trincomalee. They stood outside the polling stations and chased away the people who were coming in to vote in the morning after their polling cards were grabbed," Mr. Tennakoon said.

In addition, people in the Digamadulla district were seriously intimidated by alleged acts of the LTTE such as the hotel bomb explosion on election eve and a mortar attack on a village in Ampara on election day.

CaFFE officials also said that about 30 serious incidents of election malpractices and violence were reported from the Trincomalee district on the elections day.

They said these included intimidation, threatening with weapons, causing damage to opposition party offices and stuffing ballots.

They said rigging took place in Muttur and Kiliveddy in Trincomalee district. Polling cards of people living in Kiliveddy IDP camps were forcibly grabbed by armed men backed by the ruling party.

The officials said they received a complaint that three ballot boxes from a booth close to the camps were forcibly removed by members of the government-backed paramilitary group.

Ampara

There had been several election violence incidents reported from Ampara in different ways in different locations on the 10th of May, 2008. In Ampara, in the Tamil area the TMVP had been in full control of the polling centers, therefore, most people in the area had not been interested in casting their votes. Majority of the votes had been cast by TMVP. In Muslim areas except Akkaraipattu, a strict rule was implemented and only people with NIC'S had been able to cast their vote. And mainly women had been interested in casting votes in these areas. Akkaraipattu Muslim area was fully controlled by Aththavulla and most of the votes were rigged. In Sinhala areas less interest was shown in voting and a strategy was implemented by the UPFA supporter to reduce polling rate. Two ministers and their thugs had be present at each DS division.

In general, though the Ampara people were not interested in voting and though less people had actually voted, the records say that 62.22% of votes had been cast where as according to FCE field sources only 25% of genuine votes had been cast.

- 1. Location :** Dehiatthakandiya

Nature : People had only been able to vote till 12 noon due to various threats by the group that consisted of Minister Mervin Silva's son, Malaka Silva, Chief Minister for North Western Province Delabandara, Deputy Minister Premalal and Mervin Silva's security persons Kudula. This group has come in vehicle carrying weapons, beating and threatening people not to vote for the UNP. There after none of the people in the area had gone to vote.

Magnitude: Although there were 38000 registered votes only about 9000 persons had voted at the election.
- 2. Location :** Padiyathalawa

Nature : People had only voted till 12 noon due to various threats by the group that consisted of Minister Mervin Silva's son, Malaka Silva, Non-cabinet Minister Navin Dissanayake, Chief Minister for North Western Province Delabandara, Deputy Minister Premalal and Mervin Silva's security persons Kudula. The UNP supporters have also complaint that their polling cards have been snatched and that they have been intimidated.

Magnitude: Less than half the people have voted

- 3. Location :** Damana
Nature : Threats have been made on voters by UPFA supporters, reducing the polls of people.
Magnitude: Most people in the area had not voted after 12 noon

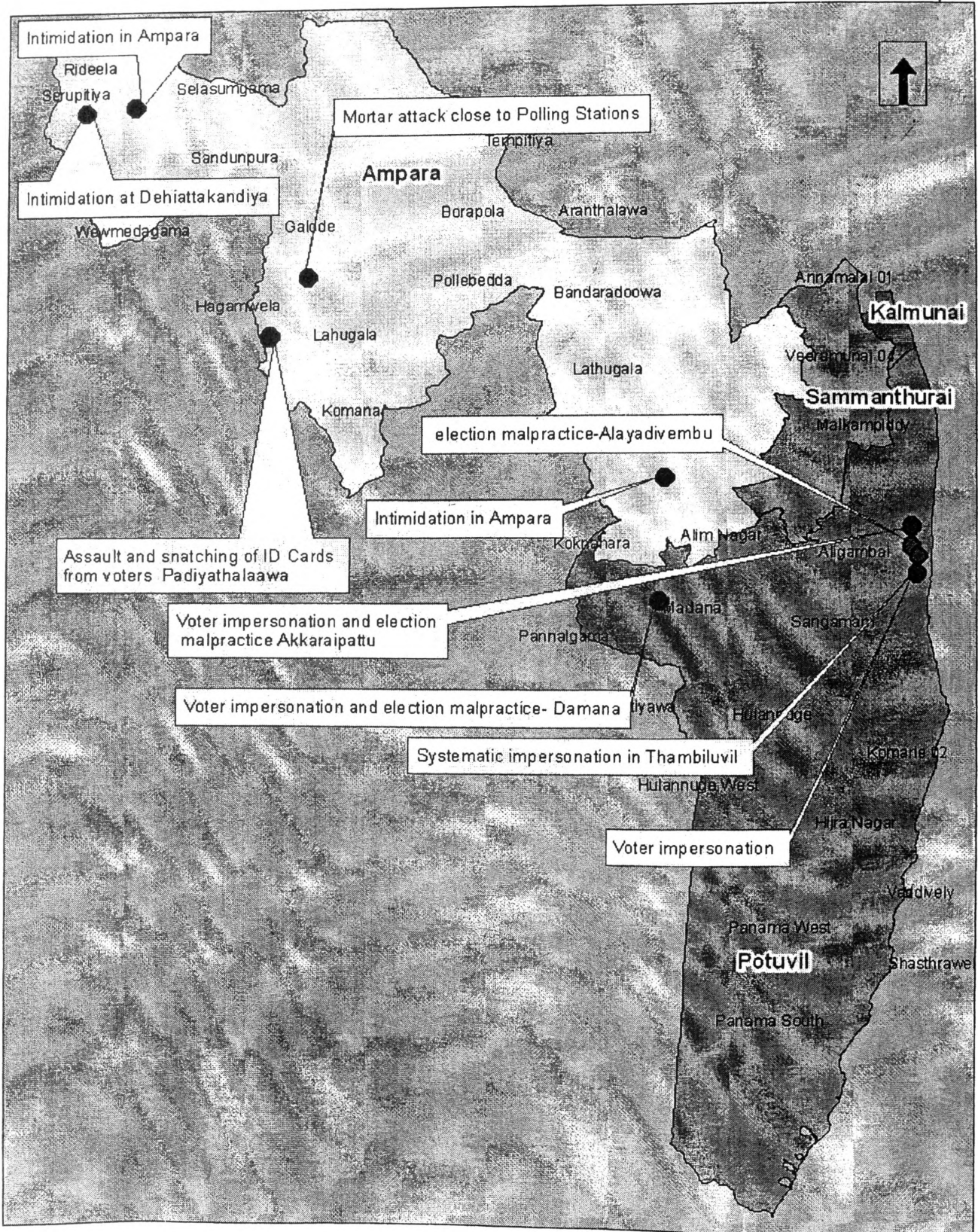
In Ampara and Uhana less violence had be reported as such.

- 4. Locations :** Akkaraipattu, Pottuvil
Nature : In both the area Aththavulla's supporters had gone to the polling stations and had rigged the votes while Aththavulla had been talking to the election monitors.
Magnitude: Not specific.
- 5. Location :** Aliyadivembu/ Navidanveli and specially in Thirukkovil
Nature : Even children of 12 and 13 years had voted at the polling stations. Many votes of the people who are dead and those who are not in Sri Lanka have also been cast.
Magnitude: It is reported the 90.61% has cast their voted whereas less that 25% is the estimated amount of real votes.

Additional violence reported from CMEV from Ampara

- 1. Location :** Thambuvil
Nature : Systematic impersonation had been done by removing ink from their fingers and casting votes one after another. It is also reported that a TMVP supporter was seen in front of the Polling Station carrying a T-56 Weapon.
Magnitude: More than half the votes had been rigged
- 2. Location :** Pannalagama / Sri Sudharashanaramaya
Nature : A motor attack had fallen close to the above two polling stations. This has caused tension and caused fear among public to vote

EASTERN PROVINCIAL ELECTION 10 MAY 2008
VOTE RIGGING
AMPARA DISTRICT



Batticaloa

In the Batticaloa district most of the Tamil people were not interested in election and voting. Therefore it was said that their votes were cast by the TMVP cadres and vote rigging was high. Only in Pattiruppu polling centre many Tamil people have cast their votes as the TMVP main candidates Pillayan, Jeyam and Pretheep were from the same area.

It is reported that Muslim people actively cast their votes. Votes of the absentees were impersonated by some of the Political parties. Kattankudy and Oddamayadi were fully controlled by the UPFA candidates Athavulla and Amir Ali. Kavathamunai and Viranthuraichenai were controlled by SLMC. Some polling agent had also been assaulted, specially by UPFA supporters on the previous day as well on the election date.

Although it was recorded that 68% was casted according to the perspective of the FCE field staff around 20% of the votes had been rigged.

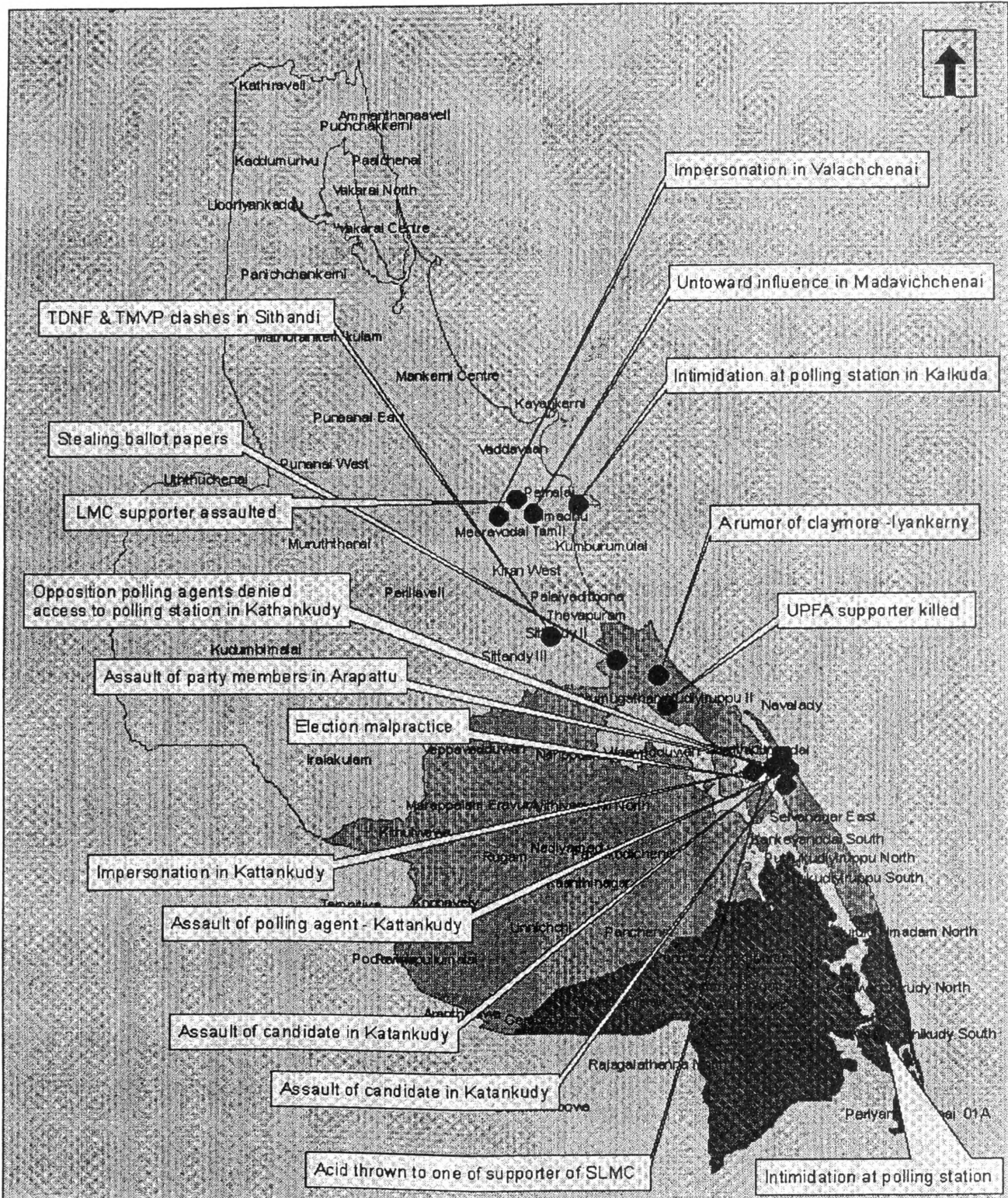
1. Location : Iyankerny
Nature : It was reported that a rumor of claymore was spread in Abdul Cader M.V. polling center, Iyankerny by the UPFA as there were more support for the SLMC.
Magnitude : Polling was delayed and started at 10.30 and less people cast their votes.
2. Location : Kommaturai
Nature : A TMVP cadre who had collected about fifty polling cards from Kommathurai area was arrested by the Chenkalady police.
Magnitude : The polls of 50 person had not been cast due to the collection of fifty polling cards by this TMVP cadre
3. Location : Eravur, Michnagar
Nature : A conflict situation erupted between Police and UPFA supporters when police tried to stop the vote rigging in Michnagar Polling center in Eravur.
Magnitude : Only a few elections rigging could be saved in this occasion
4. Location : Sithandi
Nature : A clash took place between TDNF & TMVP near the Sithandi polling booth and as a result vehicle of TDNF candidate was and the candidate too was assaulted by the TMVP.
Magnitude : This resulted in less votes cast by people in the area

5. Location : Batticaloa all areas
 Nature : Hisbulla and his supporters has snatched the cards of the SLMC/UNP supporters
 Magnitude : Not specific
6. Location : Kattankudy
 Nature : A polling centre Agent was assaulted by the UPFA supporters in Kattankudy.
 Magnitude : Not specific
7. Location : Kattankudy
 Nature : Most of the rigging of votes and impersonation was reported from Kattankudy.
 Magnitude : Most of the votes have been fraudulent due to the rigging.
8. Location : Oddamavadi / Kaththankudy
 Nature : Most of the Identity card forgery was reported from these areas. As a result when this was pop up as a big issue the Assistant Returning officer visited the area and asked the Senor Polling officers not allow such identity cards and stayed over there until the polling ended .Ex.Kavathamunai, Brinthuraichenai, Annoor M.V.,Semmanodai, 3rd ward polling centers were experienced very much for this offence.
9. Location : Pandirippu
 Nature : Most of the ballot papers were collected by TMVP and cast by them in Paddiruppu electorate
 Magnitude : Most polls were fraud.
10. Location : Batticaloa
 Nature : In one of the polling centers the ballot papers were thrust in to the boxes as bulk
 Magnitude : Most votes have been fraudulent

EASTERN PROVINCIAL ELECTION 10 MAY 2008

VOTE RIGGING

BATTICALOA DISTRICT



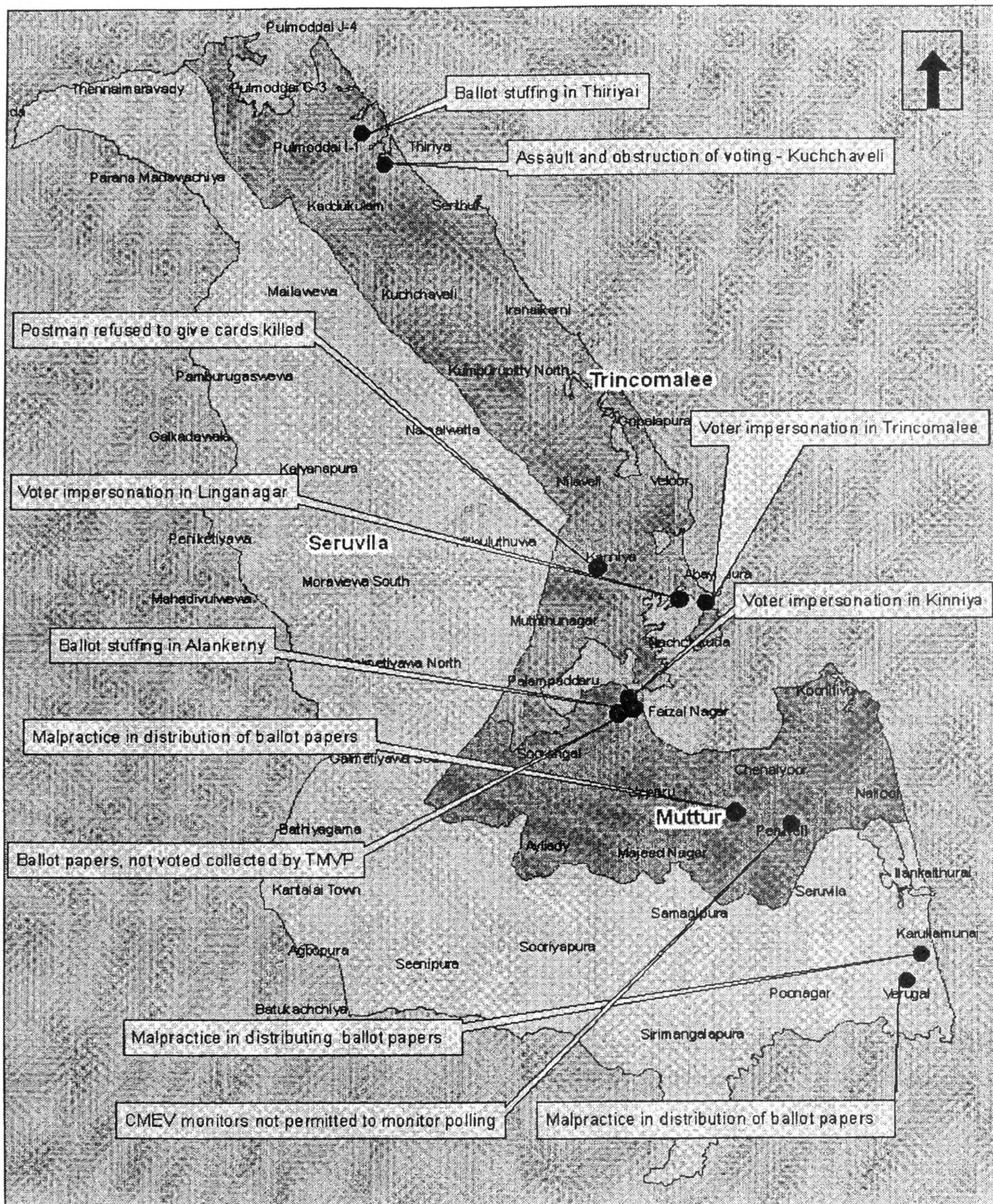
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Trincomalee

Tamil people had not shown much interest in the elections. The Muslim community had actively participated and most of them voted for the SLMC. Most of the Sinhala votes went to the UPFA in the Trincomalee District. Major violent incidents were not reported from the district but impersonation, ballot rigging and snatching of ballot papers were reported from most of the areas. One postman who had refused to hand over cards to the TMVP had been killed. Although it was recorded that 62% vote had been cast according to the perspective of the FCE field staff around 45% of the votes can be considered as genuine.

1. Location : Echchalampattu, Killiveddy, Verugal
Nature : Unidentified armed groups had snatched the polling cards from the postmen.
Magnitude : Most people had not received their cards to vote. 300 to 400 cards have been snatched from each division.
2. Location : Nilaveli
Nature : Postman who had refused to give cards to the armed groups had been killed in Kanniya the following day. This has caused tension in the area and might have affected the votes
3. Location : Alenkerny, Echchanthivu
Nature : TMVP have taken all the polling cards of persons that were not residing in the area or those who were not a live from the post offices.
Magnitude : Most votes have been rigged in this manner
4. Location : Killivedy, Echchalampaththu, Echchanthivu, Alenkerny, Kanniya, Thiriyaya
Nature : Most people from these areas had not received polling cards
5. Location : Barathipuram
Nature : On the 10th TMVP supporters had gone and snatched the polling cards and NIC's of people.
6. Location : Alenkerny
Nature : The cards of people who have not voted had been collected by TMVP group after 4 pm on the 10th
7. Location : Linganagar
Nature : Those who had already voted had been allowed to vote several times.

EASTERN PROVINCIAL ELECTION 10 MAY 2008
 VOTE RIGGING
 TRINCOMALEE DISTRICT



EASTERN PROVINCIAL ELECTION 10 MAY 2008

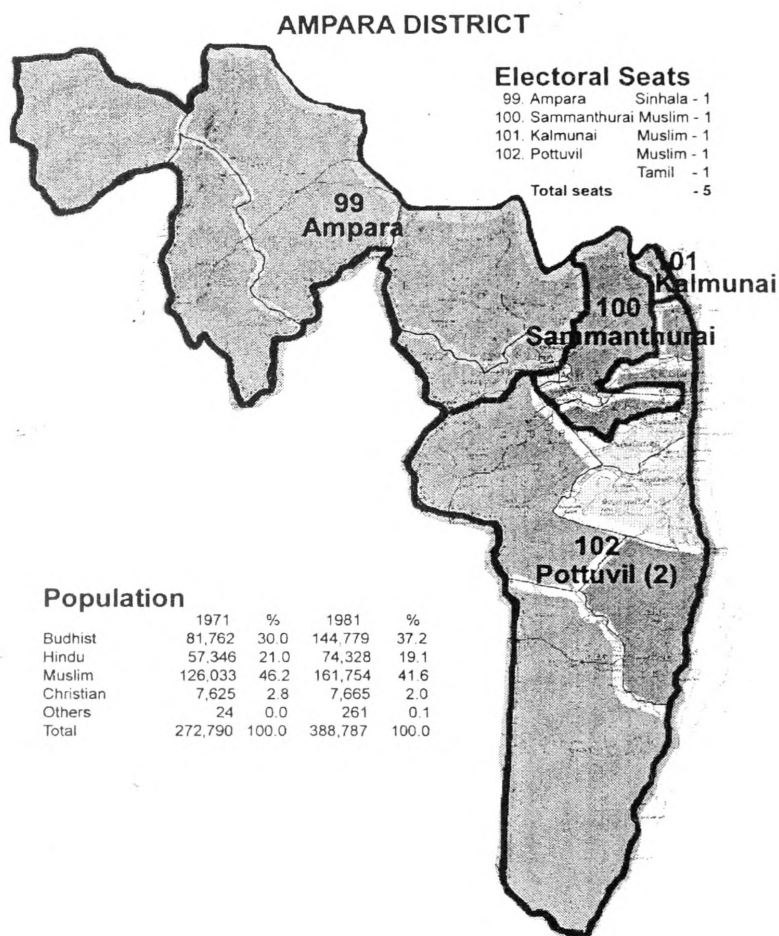
THE RESULTS

Ampara Electorate	
UPFA	47,319
UNP	31,386
JVP	3,693
NSU	215
Registered Votes	142,170 - 100%
Valid Votes	82,869 - 58.29%

Pottuvil Electorate	
UPFA	54,619
UNP	37,488
JVP	490
UNF	270
USP	98
Registered Votes	133,765 - 100%
Valid Votes	93,266 - 69.72%

Sammanthurai Electorate	
UPFA	24,119
UNP	21,401
IND-22	253
JVP	179
UNF	75
Registered Votes	69,057 - 100%
Valid Votes	46,187 - 66.88%

Kalmunai Electorate	
UNP	27,596
UPFA	13,468
UNF	174
Registered Votes	64,316 - 100%
Valid Votes	41,522 - 64.56%



EASTERN PROVINCIAL ELECTION 10 MAY 2008

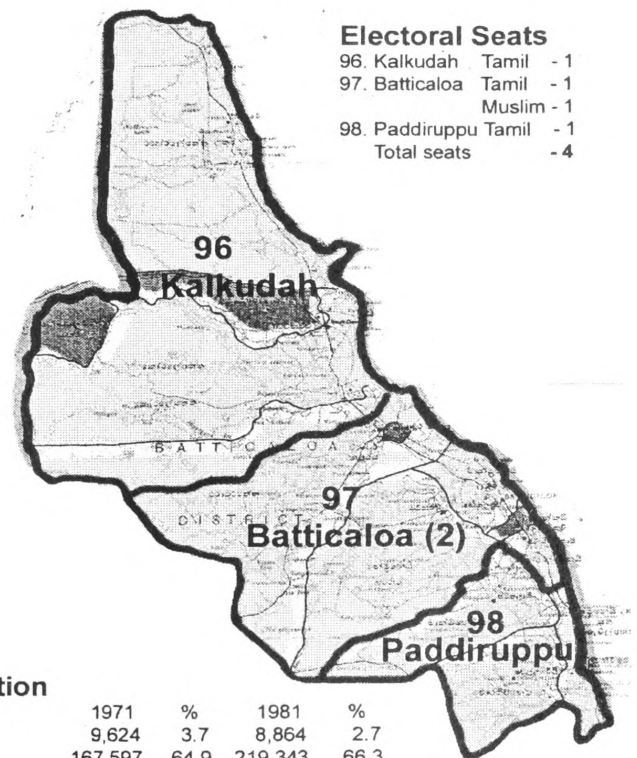
THE RESULTS

Kalkuda Electorate	
UPFA	36,731
UNP	15,673
EPDP	1,421
TUNA	443
USP	284
EDF	111
Registered Votes	94,359 - 100%
Valid Votes	54,980 - 58.27%

Paddiruppu Electorate	
UPFA	14,379
UNP	11,829
TUNA	3,594
EPDP	2,612
EDF	509
USP	268
Registered Votes	81,830 - 100%
Valid Votes	33,822 - 40.97%

Batticaloa Electorate	
UPFA	52,053
UNP	29,770
TUNA	3,222
EPDP	1,199
EDF	1,118
USP	386
JVP	218
Registered Votes	154,761 - 100%
Valid Votes	88,552 - 57.22%

BATTICALOA DISTRICT



EASTERN PROVINCIAL ELECTION 10 MAY 2008

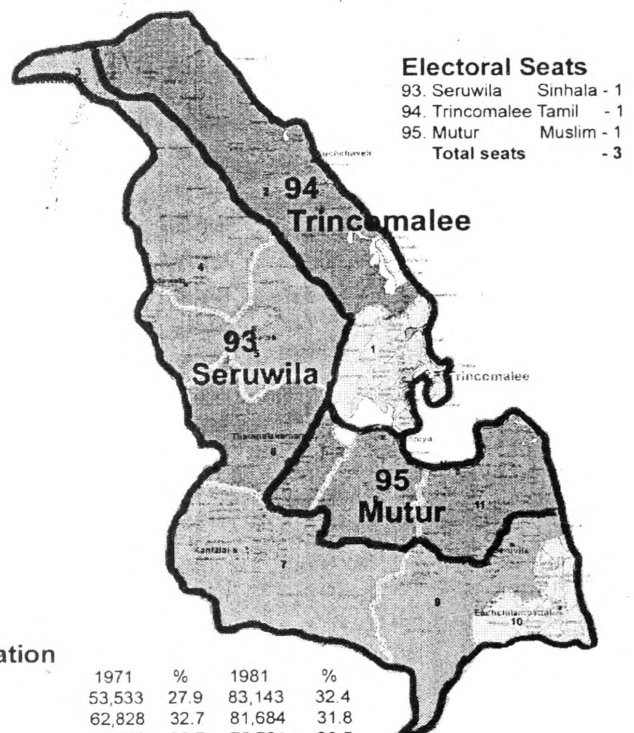
THE RESULTS

Seruwila Electorate	
UPFA	21,915
UNP	10,855
JVP	2,286
USP	249
EPDP	125
Registered Votes	66,690 - 100%
Valid Votes	35,650 - 53.46%

Mutur Electorate	
UNP	28,233
UPFA	18,451
USP	495
JVP	160
EPDP	124
IND-4	94
IND-18	88
Registered Votes	84,175 - 100%
Valid Votes	47,788 - 56.77%

Trincomalee Electorate	
UNP	28,146
UPFA	13,828
JVP	1,408
USP	537
IND-18	323
ACTUF	311
LTPF	117
IND-4	101
Registered Votes	91,598 - 100%
Valid Votes	45,208 - 49.35%

TRINCOMALEE DISTRICT



Population

	1971	%	1981	%
Budhist	53,533	27.9	83,143	32.4
Hindu	62,828	32.7	81,684	31.8
Muslim	62,163	32.7	75,761	29.5
Christian	13,379	7.0	15,363	6.0
Others	86	0.0	839	0.3
Total	191,989	100.0	256,790	100.0

EASTERN PROVINCIAL ELECTION 10 MAY 2008

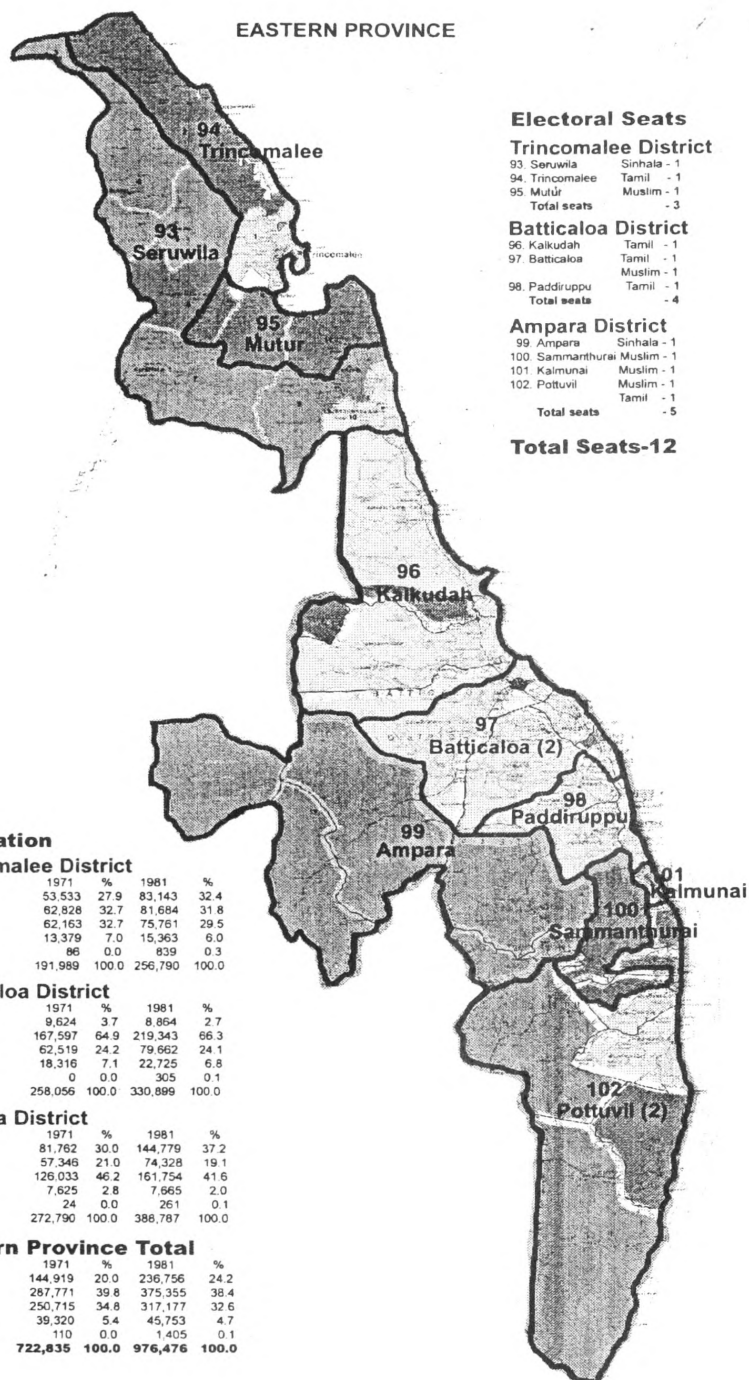
Final District Result

Ampara District	
UPFA	144,247 - Seats 8
UNP	121,272 - Seats 6
PLF	4,745
UNF	597
NSU	312
USP	296
PFLT	63
Registered Votes	409,308 - 100%
Valid Votes	272,392 - 66.55%

Batticaloa District	
UPFA	105,341 - Seats 6
UNP	58,602 - Seats 4
TDNA	7,714 - Seats 1
EPDP	5,418
USP	943
PLF	379
PFLT	157
Registered Votes	330,950 - 100%
Valid Votes	181,355 - 54.80%

Trincomalee District	
UNP	70,858 - Seats 5
UPFA	59,298 - Seats 4
PLF	4,266 - Seats 1
USP	1,309
IND-18	468
EDF	459
PFLT	163
Registered Votes	242,463 - 100%
Valid Votes	137,929 - 56.89%

Total Registered Votes - 982,721 - 100%
Total Valid Votes Polled - 591,676 - 60.2%
UPFA - 308,886 - 52.2%
UNP - 250,732 - 42.4%
Majority - 58,154



**COMPARISON OF VOTING RESULTS
EASTERN PROVINCE ELECTIONS**

Political Parties	General Election 2001		General Election 2004		Provincial Council Election 2008	
<u>Ampara District</u>						
UNP	58,468		39,883		121,272	
UPFA	65,246		106,227		144,247	
SLMC	75,257		75,134		-	
TULF	48,789		54,708		-	
JVP	-		-		4,745	
JHU	-		945		-	
Registered Votes	360,497	100%	379,044	100%	409,308	100%
Votes Polled	280,215	77.73%	292,172	77.08%	272,392	66.35%
<u>Batticaloa District</u>						
UNP	22,638		3,317		58,602	
UPFA	25,705		25,422		105,341	
SLMC	26,725		41,856		-	
TULF	86,284		157,669		-	
EPDP	-		-		5,418	
TDNA	-		-		7,714	
Registered Votes	282,079	100%	303,928	100%	330,950	100%
Votes Polled	179,108	63.50%	234,025	77%	181,355	51.80%
<u>Trincomalee District</u>						
UNP	62,930		14,228		70,858	
UPFA	32,997		21,690		59,298	
SLMC	-		63,548		-	
TULF	56,121		67,063		-	
EPDP	-		-		-	
JVP	-		-		4,266	
Registered Votes	212,280	100%	224,307	100%	242,463	100%
Votes Polled	161,138	75.90%	172,716	77%	137,929	56.89%
Total Registered Votes	854,856	100%	907,279	100%	982,721	100%
Total Votes Polled	620,461	72.58%	698,913	77.20%	591,676	60.20%

EASTERN PROVINCIAL COUNCIL ELECTION - 10 MAY 2008.

ETHNIC COMPOSITION OF ELECTED REPRESENTATIVES.

UPFA			UNP			TDNA	JVP
Muslims	Tamils	Sinhalese	Muslims	Tamils	Sinhalese	Tamils	Sinhalese
Batticaloa District							
J.S. Mohamed	Pillayan		Basheer S.D.	Sasikaran		R.Thuraiathnam	
36,419	41,931		23,324	11,021		1,752	
Hizbullah	Jeyam		Dr. Ameerdeen	Masilamani			
35,949	23,456		12,158	28,042			
Subair	Predeep						
35,612	22,666						
Ampara District							
Dr.M Lebbe	Pushperajah	Dissanajake	Hasanali		Daya Gamage		
27,994	43,551	42,468	56,275		36,991		
Uthumalebbe	Navaratnarajah	Deveperuma	Majeed		Galapathi		
26,019	42,792	32,692	29,716		18,147		
Dulkarnain	Selvarajah		Jaward				
25,671	41,105		22,253				
			Jameel				
			20,961				
Trincomalee District							
Hassan Moulavi		Gunsekara	Rauff Hackeem	Parasuraman			Piyathissa
16,640		22,393	39,771	13,226			932
Faiz		Galapathi	Thaoufiq	Rajah			
9,648		11,219	20,822	12,686			
			Mahroof				
			14,041				

	Muslims	Tamils	Sinhalese	Total	
UPFA	8	6	4	18	+ 2 = 20
UNP	9	4	2	15	
TDNA	-	1	-	1	
JVP	-	-	1	1	
Total	17	11	7	35	+ 2 = 37

New Ministers of Eastern Provincial Council

1. **S. Chandrakantan** - Chief Minister, Minister of Finance, Justice, Plan, Implementation, Human Resources Development, Public Administration, Tourism, Resettlement and Rehabilitation.
2. **T. Navarathnaraja** - Minister of Agriculture, Live Stock Development, Fisheries and Rural Development.
3. **W. Dissanayake** - Minister of Education and Cultural Affairs, Religious Affairs.
4. **M.S. Udumanlebbe** - Minister of Highway, Irrigation, Housing Construction and Rural Electification.
5. **M.L.A.M. Hisbullah** - Minister of Health and Indigenous Medicine, Social Welfare, Probation and Child Care Services, Women's Affairs, Youth Affairs, Sports, Information Technology, Education, Co-op Development and Food Supply and Distribution.

CHIEF MINISTER DRAMA

Scene 1

Before the election, President Mahinda Rajapakse said that the group that returns the highest number of members to the council would be given the chance to appoint the chief minister.

Pillayan nominated 14 members from his group into the UPFA list while the Muslims nominated 15 names representing the different Muslim factions – five representing the Athaula faction, five from Amir Ali, one from Ferial Ashraff and four from Hizbullah.

The election results reflected the mood of the people in the province with the UPFA's 18 elected members comprising, eight Muslims, six Tamils and four Sinhalese whilst the UNP – SLMC list returned nine Muslims four Tamils and two Sinhalese. The JVP and the TDNA returned one Sinhalese and one Tamil respectively. In total, of the 35 elected members from both side, there were 17 Muslim representatives as opposed to 11 Tamils and 7 Sinhalese.

When analyzing the overall ethnic composition of the elected members to the Eastern Provincial Council-EPC Muslims have topped the list. On ethnic basis there are 17 Muslim members, 11 Tamils and seven Sinhalese members elected to the council.

Although the Muslims command a majority in the council, the government presented various arguments to change the promise.

Faced with these overwhelming odds, the government had to make a case for appointing Pillayan as chief minister, and Basil Rajapakse, together with Ministers Nimal Siripala De Silva, Maithripala Sirisena, Susil Premajayanth and Dulles Alahapperuma evolved a strategy to break up the UPFA representation in a manner that would show the TMVP as having secured the largest number of seats. The idea was to break up the eight Muslim members elected into separate groups.

Accordingly, they prepared a table showing the 18 UPFA members elected to be 4 from the Athaula group, 3 from the Reshard Bathiudeen group, 6 from the TMVP and 5 from the UPFA. One member elected from the UPFA was a Muslim, Hasan Moulavi.

With that, the Governor of the Eastern Province, Mohan Wijewickrema was told to make contact with Hasan Moulavi and get an affidavit from him agreeing to the appointment of Pillayan as chief minister, thus reducing Hizbullah's support to a maximum of seven Muslims.

But when the governor contacted Hasan Moulavi, he refused and advised Wijewickrema to act according to his mandate and be neutral in such political matters. Not long after, Minister Maithripala Sirisena was to call Hasan Moulavi, who again said he was not in a position to betray the Muslim community by giving such an affidavit.

The messages received demanding an affidavit supporting Pillayan for chief minister were also communicated to the Muslim ministers and Hizbullah who by then realized the government was all set to pull the rug under their feet.

It is in this backdrop, Hizbullah and the Muslim ministers got activated making the claim for the chief ministership while Pillayan likewise called on the government to deliver on its promise to him and with that the stage was set for a right royal battle based on ethnicity.

Great injustice to the Muslims

Realising a game was afoot to hand over the chief ministership to Pillayan, several of the Muslim ministers including Reshard Bathiudeen, Hussein Bhaila, Abdul Najeeb and Hizbullah met Monday (12 May) night at a room in the Galadari Hotel to map out their strategy. These Muslim ministers discussed the accusation they would be open to, of lending their support to deny the Muslims a chief minister and helped with the Muslim votes, a party accused of massacring Muslims inside the mosques and harassing and killing many more including unlawful occupation of large extent of Muslim lands. It was resolved that they will not under any circumstances accept a TMVP nominee as chief minister.

They also decided at this meeting for the Muslim members elected on UPFA to the council to function as an independent group if Hizbullah was not appointed chief minister thus reducing the UPFA to a minority in the council and making it impossible for Pillayan to function as chief minister.

It was also decided at this meeting to initially write to the President and remind him of the pre election agreement that Hizbullah will be appointed chief minister if more Muslim members were elected to the council.

With the stage thus set, Bathiudeen and Bhaila made contact with Ministers Fowzie and M.H. Mohamed and got their signatures too to the letter with the others who signed being Bathiudeen, Ameer Ali, K. Baiz, M. Nijamuddin, Bhaila, Faizer Mustapha, Abdul Majeed, Mayon Mustapha and the representatives of Athaulla and Ferial

Interestingly, prior to sending the letter, the Muslim ministers also armed themselves with a message given over satellite to the east by the President before the election wherein the President said there will not be a problem appointing Hizbullah as chief minister if Muslims get more representation. This evidence they collected in view of statements made by government ministers such as Dulles Alahapperuma and Nimal Siripala De Silva that no such assurance was given.

Scene 2

President Rajapakse who was in London was of course kept briefed on the unfolding developments by Basil Rajapakse and he directed that the issue be nipped in the bud before it got out of hand by offering the Muslim ministers and Hizbullah whatever they want other than the chief ministership. They will make some noise and eventually accept what is given.

Given the President's instructions, Minister Nimal Siripala De Silva was to tell Minister Bathiudeen that if they pushed the issue to a breaking point, the President will dissolve parliament and go for a general election leaving them stranded.

Not deterred, Bathiudeen told Minister De Silva that was an option available to the President but that it would have consequences for all parties in government and they as representatives of the Muslims cannot sacrifice the interest of the community under such a threat.

It is in the midst of these moves, Minister Bhaila armed with the letter to be sent to the President went into Minister Fowzie's Ministry to get his signature and while he was there a call came from Minister Rohitha Bogollagama who was in the company of the President in London.

Bhaila told Bogollagama that the Muslim ministers were of the view they will be politically destroyed in the East as well as nationally if Pillayan was appointed chief minister on the strength of the Muslim votes they obtained for the UPFA.

Not making any headway, Bogollagama said "Here you speak to the President" and handed over the phone to Rajapakse who came out firing.

"What is this problem? Are you trying to destabilize the government?" the President asked.

"No, Sir," said Bhaila, "We are only asking what is rightfully due to the Muslim community in keeping with your promise before the election."

Furious at this response the President thundered – "Are you taking me to be a communalist and racist? Do you think I will agree to make appointments based on ethnicity? If you push this issue any further, I will dissolve parliament."

Bhaila politely told the President that would still leave the Eastern issue and the appointment of the chief minister unresolved.

Scene 3

Wednesday, (14 May) with reports propelling crisis with the opposition likely to back Hizbullah for chief minister, and the letter to the President sent by the Muslim ministers, Basil Rajapakse suddenly called both Minister Bathiudeen and Hizbullah for a meeting, which they accepted but separately.

At these two meetings, Basil Rajapakse told Minister Bathiudeen and Hizbullah not to get excited and upset the apple cart and to await the President's return.

The two Muslim members took the opportunity to remind Basil of the agreement they reached before the election and urged him to honour it without allowing the crisis to get out of control.

"We will be finished with the Muslim community if Pillayan is appointed chief minister," they said.

The President called in Fowzie, Athaullah, Bathiudeen, and Ameer Ali and used all his persuasive skills to break them down and to accept Pillayan as chief minister but there was no agreement.

Scene 4 - Angry President

Thursday (15 May), it was decided by the Muslim ministers Hizbullah will be the spokesman for the eight Muslim members and that if there was any move to appoint Pillayan as chief minister, they would walk out.

When Hizbullah's team met the President Friday 16 May morning with Basil Rajapakse, Hizbullah straight away staked his claim for the chief ministership only to be told, that was not possible.

Replied Hizbullah – “But you promised me before the election, Basil why are you keeping quiet, you promised it to me in the presence of other ministers.”

Basil responded stating though a promise was made practical difficulties make such an appointment unviable at this point of time.

The President told Hizbullah he can be chief minister for two and a half years after Pillayan to which the Muslim member did not agree, stating in that event he should be given the first two years.

At this point, the President visibly angry moved towards Hizbullah, but unruffled, the chief ministerial aspirant had said.

“Please don't shout Sir, I did not come here to fight or shout but to resolve the issue. If I am not appointed chief minister, I will not support the UPFA in the council. My position is final,” Hizbullah had added.

While this discussion was continuing, walked in Ministers Maithripala Sirisena and Dulles Alahapperuma, who too tried to persuade Hizbullah to concede the chief minister post to Pillayan but to no avail.

Replied Hizbullah – “All you can do is kill me. Do that if you want but I will not compromise on this issue.” Having said that he walked out.

Scene 5

After Jumma Prayers on Friday (16 May), the crisis in the UPFA exploded when Hizbullah wrote to the Eastern Province Governor, Mohan Wijewickrema stating that he along with two other members would function as a separate group in the council under Hizbullah's leadership.

The letter also said that no other nominee of the UPFA other than Hizbullah command a majority in the council. In other words, Pillayan will not have a majority to run the council considering the opposition 15 members, together with the four Muslim dissidents add up to 19 in the council.

With that move Hizbullah signaled the appointment of Pillayan by the Governor will be illegal for want of a majority. It also meant, the UPFA will not have a majority to run the council for even a day if the UNP, Hizbullah and the JVP sit together in the opposition.

Letter to the Governor,

"We, the undersigned elected members of the Eastern Provincial Council from the UPFA list wish to inform you that we will function as a separate group in that Provincial Council and that Mr. M.L.A.M. Hisbullah will function as our group leader."

"Further we would like to note that we have not given our consent to the UPFA to appoint any nominee other than Mr. M.L.A.M. Hisbullah as chief minister and therefore would like to draw your kind attention to the fact that UPFA does not command the majority in the council without us. Consequently no nominee of the UPFA other than Mr. M.L.A.M. Hisbullah would enjoy the confidence of the majority of the council."

"Therefore, we request you to have prior consultation with us before the appointment of chief minister and the board of ministers."

This letter also put the Governor in the horns of a dilemma since he was bound to swear in the chief minister only in terms of Article 154 (F) (94) of the Constitution which specifically states the member so sworn in must command the support of a majority.

That section reads thus: "The governor shall appoint as chief minister, the member of the provincial council constituted for that province, who in his opinion is best able to command the support of a majority of the members of that council."

The section goes on to state, "provided that where more than one half of the members elected to the provincial council are members of one political party, the governor shall appoint the leader of that party in the council, as chief minister."

The UPFA won only 18 seats and since M.L.A.M. Hizbullah has now withdrawn his support to the UPFA with two other members they are not entitled to the two bonus seats. In this backdrop President appointing a minority member as the Chief Minister is irregular and unconstitutional.

Scene 6

Now the Government's intentions are very clear that, they were not in favour of a Muslim CM, though they made periodic announcements to encourage the Muslims to vote with the UPFA. In short, the UPFA had taken Hizbullah and company for a ride and dropped them like hot potatoes, after securing the EPC.

Several Muslims Ministers, including Rishad Badiudeen, Ameer Ali and Abdul Majeed, who boycotted Friday's oath taking ceremony of the Chief Minister were contemplating resigning from their ministerial portfolios and sitting independently in Parliament.

A dejected Resettlement Minister Rishad Badiudeen told that they felt "betrayed" by the President's action and were seriously reconsidering their support to the government.

The President has not only betrayed us, but the entire Muslim community as well. He has not kept his word. He gave us false promises, that is why we boycotted Friday's ceremony".

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