



COUNTRY OF ORIGIN INFORMATION BULLETIN

01/2005

SRI LANKA

PRESIDENTIAL ELECTION OF 17 NOVEMBER 2005

NOVEMBER 2005

Presidential Election of 17 November 2005

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1. Introduction

- 1.01** This Country of Origin Information Bulletin (COI Bulletin) has been produced by Research Development and Statistics (RDS), Home Office, from information on Sri Lanka obtained from a wide variety of recognised sources. It does not contain any Home Office opinion or policy.
- 1.02** This COI Bulletin has been prepared for background purposes for those involved in the asylum/human rights determination process. The information it contains is not exhaustive. It concentrates on the issues most commonly raised in asylum/human rights claims made in the United Kingdom.
- 1.03** The COI Bulletin is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them.
- 1.04** The COI Bulletin is intended to give a brief overview of the Sri Lanka Presidential elections of 17 November 2005 and of the subsequent change of Prime Minister and cabinet. The COI Bulletin only includes reports considered to be relevant to those involved in the asylum/human rights determination process.
- 1.05** This COI Bulletin and the accompanying source material are publicly disclosable. Where sources identified in the COI Bulletin are available in electronic form the relevant link has been included. The date that the relevant link was accessed in preparing the COI Bulletin is also included. Paper copies of the sources have been distributed to nominated officers in Asylum Caseworking Directorate and all Presenting Officer Units.

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2. Election Results

THE NEW PRESIDENT

2.01 As reported by BBC News on 18 November 2005:

“Sri Lankan premier Mahinda Rajapakse has won the presidential election by a narrow margin, officials have said. Mr Rajapakse secured a little over 50% of the popular vote against main opposition rival Ranil Wickramasinghe. Mr Rajapakse, who has taken a hard line with Tamil Tiger rebels, said after his victory he would ‘bring about an honourable peace’... Mr Wickramasinghe's opposition United National Party (UNP) demanded a fresh election in Tamil-dominated Jaffna, where the voter turnout was particularly low, but this has already been rejected by the electoral commission... At the end of counting, Mr Rajapakse had secured more than 4.8m votes, about 180,000 ahead of Mr Wickramasinghe. There were eleven other candidates... The election campaign was one of the most peaceful in years, although at least four people are reported to have died when two grenades were thrown into a mosque on Friday. Police said it was unclear if the attack was linked to the poll. Another 25 people were injured in the violence, in the town of Akkaraipattu in eastern Batticaloa district. Elections Commissioner Dayananda Dissanayake said the poll turnout was about 75% but the boycott in Tamil-dominated [sic] areas was almost total. In Jaffna, turnout was put at only 0.014% of more than 700,000 registered voters - the lowest ever anywhere in the country. In the 1999 election, 19% of voters in Jaffna cast ballots... Officials said there were roadblocks and intimidation in rebel-held areas. More than 13m people were eligible to vote in Sri Lanka's fourth national poll in six years. The poll ends the tenure of President Chandrika Kumaratunga. She has dominated the island's politics since taking office for the first of her two terms in 1994.” [1a]

See [Annex A](#) for the official results

2.02 On 19 November 2005, the Official Website of the Government of Sri Lanka reported in its Current Affairs section that:

“The President-elect [and former Prime Minister] Mahinda Rajapakse was sworn in today November 19th as the new President of the Democratic Socialist Republic of Sri Lanka before Chief Justice Sarath Silva in a simple ceremony... The new President in his inaugural address paid his respectful gratitude to hundreds of thousands of people who voted him President. He thanked all constituent parties of the United People's Freedom Alliance and other parties, who worked untiringly for the victory of the UPFA in the Presidential election... President Mahinda Rajapakse said that he would be working to achieve an honorable peace in the country and today it is the common national aspiration of the people and that he intends to begin peace process based on that premise. ‘War is not my method’, he added.” [6a]

THE NEW PRIME MINISTER AND CABINET

2.03 The Prime Minister of Sri Lanka is appointed by the President. As reported on 21 November 2005 on the Official Website of the Government of Sri Lanka (Current Affairs section) “Veteran Parliamentarian Ratnasiri Wickremanayake was today sworn-

in as Prime Minister before President Mahinda Rajapakse... Before the recent Presidential Election, Wickremanayake was the Minister of Public Security, Law & Order and Deputy Minister of Defence in the United People's Freedom Alliance Government." [6b]

2.04 On 21 November 2005 BBC News reported that: "Sri Lanka's newly-elected president, Mahinda Rajapakse, has appointed a hardliner as his prime minister... Like Mr Rajapakse, Mr Wickremanayake is a Sinhala nationalist ... Under Sri Lanka's constitution, the prime minister's role is overshadowed by the much more powerful post of executive president." [1b]

2.05 As reported by BBC News on 23 November 2005:

"Mahinda Rajapakse appointed a 25-strong cabinet following his presidential election win last Thursday... President Rajapakse will also be defence and finance minister... In other cabinet appointments, the new prime minister was also given the disaster relief portfolio. Mangala Samaraweera was named foreign minister and Anura Bandaranaike, the brother of outgoing President Chandrika Kumaratunga, becomes tourism minister. Mr Bandaranaike had been tipped as prime minister but during the election campaign criticised Mr Rajapakse's alliance with the JVP." [1c]

See [Annex B](#) for the composition of the new cabinet

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Election monitoring and evaluation

3.01 The EU Election Observation Mission (EOM) to Sri Lanka 2005, which observed the 17 November Presidential Election, stated in a press release dated 28 October 2005:

“Upon the invitation of the Commissioner for Elections of the Republic of Sri Lanka, the European Union has established an Election Observation Mission (EU EOM) to observe the 17 November Presidential Elections in Sri Lanka. The EU EOM is led by Chief Observer Mr John Cushnahan (Ireland), who was also Chief Observer for the 2000, 2001 and 2004 parliamentary elections... The EU EOM to Sri Lanka was established on 23 October and will remain in the country until the completion of the electoral process... The key objectives of the EOM are to conduct a comprehensive analysis of the electoral process, offer an impartial and balanced assessment of the elections and strengthen the confidence of voters to participate freely. The EU EOM will examine the legislative framework, the election administration, the political environment, the election campaign including the use of state resources, the conduct of the media during the campaign, voting, counting and tabulation procedures, and any complaints and appeals. This approach is based on internationally accepted standards for election observation.” [3b]

3.02 As noted in the summary of the EU EOM preliminary statement, released on 19 November 2005:

“Election day in the South proceeded satisfactorily and was an improvement on 2004. However voting in the North and East was marred by violence accompanied by an enforced boycott by the LTTE, resulting in extremely low voter participation in many areas... The EU EOM observed misuse of public resources for the purpose of election campaigning. Taken as a whole, the media offered the electorate a diverse range of political opinions that enabled voters to compare parties and candidates and thereby make a more informed choice on election day. State media did not fulfil their duty to provide balanced and impartial reporting in their election related coverage. Accurate updating of the voter register remains problematic. The election process was, in general, conducted in a professional and impartial manner, by well-trained staff often working in very difficult circumstances.” [3a] (p1) The EU EOM report was based on observation of election preparations, the electoral campaign and the election day itself. The EU EOM had seven Core Team members over a period of over three weeks, 22 long term observers deployed throughout the country for more than 2 weeks and 51 short-term observers deployed for seven days. The EU EOM observers reported back from all 22 electoral districts. The EU also observed the counting process in 70 centres throughout Sri Lanka. [3a] (p2)

3.03 The presidential election was also monitored by the Centre for Monitoring Electoral Violence (CMEV), part of the independent local organisation Centre for Policy Alternatives (CPA). The CMEV Interim Report – Presidential Elections 2005, released on 21 November 2005, stated:

“During the campaign CMEV had 161 monitors in the field and on Election Day 4,592 monitors including 80 monitors in 40 Mobile Teams of 02 monitors each. In addition, 17 International Observers were deployed in the North and East. On

Election Day, CMEV monitored 6,237 Polling Stations or 59.5 % of the total number of 10,478 Polling Stations. Of these CMEV has reports of incidents in 264 or 2.51% of the total number of Polling Stations.” [5a] (Introduction)

RIGHTS TO STAND AND CAMPAIGN FREEDOM

3.04 The EU EOM preliminary statement noted that “With the exception of the Liberation Tigers of Tamil Eelam (LTTE) controlled areas in the North and East, candidates were generally able to campaign freely, meeting voters and presenting their political platforms.” [3a] (p1)

MEDIA ISSUES

3.05 As noted in the EU EOM preliminary statement:

“Taken as a whole, the media offered the electorate a diverse range of political opinions that enabled voters to compare parties and candidates and thereby make a more informed choice on election day. The state television and radio allotted all candidates free broadcasting time thus allowing them to present their platforms to the electorate. Both private and state media were strongly polarised along party lines and were strongly supportive either of the Prime Minister (Mahinda Rajapakse), or the main opposition candidate (Ranil Wickramasinghe). As a consequence the lack of a truly independent media system impedes citizens in their ability to assess the campaigning by candidates...In a context of strong polarization between the two main contesting forces, the state media were widely viewed as being supportive of the Prime Minister. Conversely, the private media were widely viewed being supportive of the UNP candidate...State media did not fulfil their duty to provide balanced and impartial reporting in their election related coverage either in their news bulletins and current affairs coverage, or in other informative programs.” [3a] (p3-4)

3.06 The CMEV Interim Report noted that “As in previous election campaigns, the role of the media has to be highlighted. According to media monitoring reports of a number of organizations including the Centre for Policy Alternatives (CPA), biased and partial media coverage was a feature of this election as well. Both the state controlled and private media displayed bias - the latter in favour of the UNP candidate and the former in favour of the Prime Minister Mr Rajapaksa.” [5a] (Introduction)

VOTER REGISTRATION

3.07 The EU EOM preliminary statement recorded that:

“The total number of voters registered for this election is 13,327,160. This is approximately 428,000 more than for the last elections (2004). However, the register was based on enumerations conducted in June 2004, before the Tsunami hit the island coasts. To address this situation, and reduce opportunities for impersonation, the Commissioner of Elections introduced special measures to mark in the voter register the 40,000 names of people identified as deceased or missing from the Tsunami.” [3a] (p5)

3.08 As recorded in the CMEV Interim Report “CMEV has received over 150 complaints of effective disenfranchisement from citizens in the Colombo District. These complaints range from those who claim to have handed in their voter registration forms

and yet have had their names removed from the voter register to those who claim to have received polling cards only to find that their names were nevertheless not in the voter register.” [5a] (Introduction)

CONDUCT OF POLLING AND COUNTING OF VOTES

3.09 As noted in the EU EOM preliminary statement:

“The EU EOM observed the conduct of postal voting on 7 and 8 November...A few instances of missing material were noted and, in 8% of the observed polling stations, the secrecy of the vote was not ensured at all stages of the process (mainly because voters could not isolate themselves to mark their ballot in secret). The EU EOM has been informed of a high level of applications for postal vote being rejected (around 17%) with regional disparities (for example approximately 23% in Nuwara Elya). Two main reasons for this were mentioned by the election administration: either the voter did not submit the application in time, or the voter did not fill out the form in the proper manner. The EU EOM will look further into this issue in the coming weeks.” [3a] (p6)

3.10 The EU EOM preliminary statement further noted:

“There was an extremely low participation of voters from the LTTE-controlled areas and also in Government-controlled areas in the North and East where Tamil voters reside. EU EOM members observed this in Vavuniya, Trincomalee, Jaffna, Mannar and Batticaloa. This followed a joint statement by the LTTE and TNA [Tamil National Alliance] on 10 November in which they stated ‘...it is a futile exercise to show any interest in the elections.’ This created an atmosphere of fear and uncertainty for voters in these areas. In order to ensure that no ambiguity existed as to what the LTTE wanted to happen in reality, they enforced this boycott by creating an environment which was rife with violence and intimidation. Furthermore several LTTE front organisations had earlier made explicit calls for a boycott, for election staff to cease work on polling day, and for there to be a day of ‘mourning’.” [3a] (p6-7)

3.11 The EU EOM preliminary statement continued:

“In all other regions [apart from Jaffna, Batticaloa and Vavuniya] polling and counting on 17 November generally happened in an orderly manner. The EU EOM observed polling stations and counting centres throughout all 22 districts. The overall picture on election day was of a well-administered process with voters participating in large numbers. EU observers assessed the polling process as good or adequate in 96% of more than 330 stations observed...The counting process was assessed to be good or adequate in all centres visited. The presence of polling agents in almost all polling stations visited (89%) was a positive transparency measure. Domestic observers were present in 73% of the polling stations visited. In 88% of counting centres observed, polling agents were present. The procedural arrangements, whereby each voter’s registration number is marked on the ballot counterfoil, results in all marked ballots being traceable. While this may be intended as a fraud-prevention mechanism, it fundamentally undermines the secrecy of the ballot. Observers reported that polling booths were typically placed in such a way that election officers could see voters marking their ballots. Even though this might have been done to guard against attempts at election fraud, it compromises the secrecy of the vote. In 75% of polling stations observed the layout was assessed to be

inadequate...The legal lack of obligation for voters to show any type of ID or voter card before voting provides very weak protection against attempts at impersonation and multiple voting. Furthermore the discretion of the Presiding Officer on this matter can result in people being disenfranchised...Procedures to protect against double voting were in some cases weakly applied. Although ink was consistently applied, in 9% of polling stations observed voters were not checked for ink prior to being issued a ballot.” [3a] (p6-7)

3.12 The CMEV Interim Report noted that “On election day, CMEV monitors reported an almost complete shut down of the [Jaffna] District, and intimidating surveillance of polling stations by groups of youth. As a result, the total votes polled in the Jaffna District was 1.21%, and 34.03% in the Vanni District.” [5a] (Introduction)

3.13 The PAFFREL (People’ Action for Free and Fair Elections, a local citizen-based election watch) ‘Election day communique’, released on 17 November 2005, stated as follows:

“On the day of elections only a small proportion of people came out and voted [in Jaffna], in the region of less than one percent. People stayed indoors and shops were closed. There was hardly any voting by people from the LTTE controlled areas. In the East, there were deliberate efforts to keep the people away from voting on election-day itself... Given the non participation of a significant number of Tamil voters at these elections due to the boycott call and intimidation, PAFFREL is deeply concerned about the effective disenfranchisement of these voters.” [4a]

LEVEL OF VIOLENCE AND INTIMIDATION

3.14 As noted in the CMEV Interim Report:

“The Centre for Monitoring Election Violence monitored the incidence of election related violence throughout the Presidential Election campaign commencing with the close of nominations on 07 October 2005 and on Election Day, 17 November 2005. CMEV recorded a cumulative total of 484 incidents during the campaign and 297 incidents on Election Day. During the campaign, of a total number of 484 incidents, the number of incidents classified as Major are 181...The most serious incidents of election related violence were 05 Murders, of which 03 occurred in the Digamadulla District, and 01 each in the Trincomalee and Colombo Districts respectively. One of these murders was of the EPDP organizer in Pottuvil, another of an EPDP organizer in Trincomalee and a third in Colombo of a senior member of the EPDP. The remaining two murders occurred in Kalmunai, one of which was of a Muslim civilian and the other of a Sinhala Home Guard. Though all these murders may not be directly related to the election, occurring nevertheless within the context of one, they have a bearing on it.” [5a] (Introduction)

3.15 The CMEV Interim Report also noted that:

“Elections in the North and East were further complicated because of the confusion created by the statements of the Tamil National Alliance (TNA) and the LTTE on November 10, declaring that the Tamil people had no reason to be concerned with the elections but that there would be no restrictions placed on those who decided to vote. However, incidents of violence and intimidation in Jaffna and throughout the Eastern Province in the days that followed created an

atmosphere that was not conducive to the carrying out of a free and fair election. The LTTE promise not to disrupt the elections notwithstanding, the reports submitted by CMEV monitors clearly indicates the contrary.” [5a] (Introduction)

3.16 The CMEV Interim Report concluded that:

“The situation in the North and East apart, on the basis of information gathered from our monitors, CMEV believes that the Presidential elections of 2005 have been the least marred by acts of violence and intimidation. However, reports of extensive intimidation of voters in Beliatta, Weligama and Hanguranketha, for example, demonstrate that the use of violence as a political strategy has not been eradicated from our political culture. CMEV believes that the reduction in levels of election-related violence is an affirmation of the work of all civil society groups engaged in monitoring the democratic process in Sri Lanka and also reflects a change in attitude of all Sri Lankan political parties in terms of the use of violence during elections.” [5a] (Introduction)

3.17 The EU EOM preliminary statement recorded that:

“In the 28 rallies that the EU EOM observed, attended by tens of thousands of supporters, no violence was witnessed...Although the pre-election campaign was reported as less violent compared to 2004, 2000 and 2001, the last days of the campaign showed an increased level of violence. In Kurunegala, a hand grenade was thrown into the house of an UNP official on 14 November. Eelam People’s Democratic Front (EPDP) officials have been the target of assassinations on four occasions, resulting in the murder of three officials in Trincomalee (6 October), Pottuvil (10 October) and, in the last days of the campaign, in Colombo, and the attempted murder of a fourth person in Jaffna...The Commissioner of Elections had received 191 complaints on election violations by election day. The UNP has submitted 159 of those complaints. [3a] (p3)

3.18 The EU EOM preliminary statement further recorded that:

“In Tamil areas in Batticaloa, EU EOM observers reported increased levels of violence with seven cases of grenade-throwing or bombing targeted at polling stations, the main district counting centre, a bus for the transportation of voters from the LTTE controlled areas and at a police check-point. In Jaffna, Vavuniya and Batticaloa observers witnessed protests at lines of control in which plain-clothed groups gathered and burned voter cards. The atmosphere was reported to be tense in government controlled areas of Jaffna and Batticaloa resulting in empty streets.” [3a] (p7)

3.19 As stated in a press release of the EU EOM issued on 20 November 2005 “Announcing the interim conclusions of the 83 strong European Election Observation Mission, Mr. Cushnahan said: ‘Although the election process proceeded satisfactorily in the South of the country, polling day in the North and East was marred by violence and intimidation in the North and East. The LTTE enforced a boycott which had a devastating effect on voting in Tamil areas.’” [3c]

3.20 As stated in the PAFFREL press release of 17 November 2005:

“Outside of the North and East the Presidential Election was the best conducted in the recent past, without major incidents of violence or electoral malpractices being reported. The election campaign that preceded the polls also took place with much less violence than in the recent past. However, an almost total absence of participation in the polls and an atmosphere of violence and intimidation in much of the North and East have significantly affected these elections. It has compromised the democratic process and institutions.” [4b]

3.21 The PAFFREL press release of 17 November 2005 also noted that:

“On the night preceding the election, and on the day of the polls, there were several incidents of violence that served to heighten the atmosphere of intimidation that existed in the North and East. There were three grenade explosions in the night in Jaffna. [In the East] There were seven bomb attacks in polling stations, two suspected bombers died while assembling a bomb, tyres were burnt on the road and buses were prevented from leaving LTTE-controlled areas.” [4a]

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Annex A: Official Results

Official results of the presidential election of 17 November 2005

(as published on the website of the Sri Lanka Department of Elections)

NAME OF CANDIDATE	PARTY	VOTES OBTAINED	PERCENTAGE
MAHINDA RAJAPAKSHA	UPFA	4,887,152	50.29%
RANIL WICKRAMASINGHE	UNP	4,706,366	48.43%
SIRITUNGA JAYASURIYA	USP	35,425	0.36%
ACHALA ASHOKA SURaweera	JSP	31,238	0.32%
VICTOR HETTIGODA	ELPP	14,458	0.15%
CHAMIL JAYANETHTHI	NLF	9,296	0.10%
ARUNA DE ZOYSA	RJP	7,685	0.08%
WIMAL GEEGANAGE	SLNF	6,639	0.07%
ANURA DE SILVA	ULF	6,357	0.07%
AJITH KUMARA JAYaweera ARACHCHIGE	DUA	5,082	0.05%
WIJE DIAS	SEP	3,500	0.04%
P. NELSON PERERA	SLPF	2,525	0.03%
HEWAHEENIPELLAGE SHANTHA DHARMADWAJA	UNAF	1,316	0.01%

Valid Votes	9,717,039	98.88%
Rejected Votes	109,869	1.12%
Total Polled	9,826,908	73.74%
Regis. Electors	13,327,160	

[2a]

Annex B: Cabinet of Ministers

Cabinet of Ministers, 23 November 2005 (as published on the website of the Sri Lanka Government Information Department)

President Mahinda Rajapaksa - Defence and Finance
Prime Minister Ratnasiri Wickramanayake - Disaster Management
Mangala Samaraweera - Foreign Affairs, Ports and Aviation
Anura Bandaranaike - Tourism
DM Jayarathna - Post, Telecommunications and Rural Economy Development
Nimal Siripala de Silva - Health
Amarasiri Dodangoda - Justice
AHM Fowzie - Transport, Railway, Petroleum Resources
Jeyaraj Fernandopulle - Trade, Commerce, Consumer Affairs, Highways
Maithripala Sirisena - Agriculture, Irrigation, Mahaweli
John Senevirathna - Power and Energy
Sumeda Jayasena - Child Affairs and Women
Anura Priyadharsana - Information and Media
Dinesh Gunawardena - Urban Development and Water Supply
Douglas Devananda - Social Services
Sarath Amunugama - Public Administration
Ferial Ashroff - Housing and Construction
Susil Premajayantha - Education
Athauda Senevirathne - Labor Relations and Foreign Employment
SB Navinna - Rural Industry and Self Employment
Piyasena Gamage - Vocational Training and Technical Skills
Janaka Bandara - Provincial Council
ALM Athaullah - Fisheries and Housing Development
Rohitha Bogollagama - Investment Promotion
Tissa Witharana - Science and Technology
DEW Gunasekara - Constitutional Affairs and National Integration.

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