



20 October, 2011

Open Letter to Commonwealth Heads of Governments

Subject: Sri Lanka as the host of CHOGM 2013

Dear Commonwealth Heads of Governments,

This letter follows an earlier letter on this subject that many of us jointly wrote to Commonwealth Foreign Ministers, prior to their meeting in New York on 22 September 2011. In the absence of any public pronouncement by Foreign Ministers on this issue we have to assume that no decision has yet been taken to put in place a process for assessing the suitability of Sri Lanka's candidature for hosting the 2013 Commonwealth Heads of Government Meeting (CHOGM). In this context, we recall your 2009 decision to defer Sri Lanka's candidature as host and seriously urge you to consider a similar postponement at CHOGM 2011.

We reiterate that Sri Lanka continues to face allegations of human rights violations that are of an extremely serious nature. These allegations have been found credible by none less than a Panel of Experts appointed by the UN Secretary General. In addition to this, several other well grounded allegations exist about the lack of fundamental freedoms within Sri Lanka, which it is charged, has resulted in serious violations of freedom of expression, association and movement as well as entrenched impunity for past human rights violations. Together these make Sri Lanka one of the most acute human rights situations in the Commonwealth.

In a recent response to one of our organisations the Commonwealth Secretary-General stated that the decision for Sri Lanka to host the 2013 CHOGM was taken by CHOGM 2009 and that it needs no further confirmation from CHOGM 2011. He also informed that the Commonwealth is waiting for the report from Sri Lanka's Lessons Learned and Reconciliation Commission (LLRC) to decide its policy on the country. The report is due in November 2011 after CHOGM 2011, when it will be too late for any further consideration of the CHOGM venue. On the other hand, though the Commission's report may deserve a fair hearing, it is important to remember that the UN Panel of Experts and numerous civil society organisations have cast doubts on the impartiality and effectiveness of the LLRC. In other words waiting for the LLRC report would mean that, due to paucity of time and the complexities of procedures involved, Sri Lanka will be able to host CHOGM 2013 regardless of any outcome and without any scrutiny, at the cost of the Commonwealth condoning serious human rights violations.

We believe that the moment to re-consider Sri Lanka's suitability as a host for Commonwealth's most emblematic meeting must be at Perth. The Heads must take into account the consistent intransigence of the government of Sri Lanka and the lack of investigations or progress on impunity within the country since the 2009 decision to postpone CHOGM.

Providing space for Sri Lanka to be the host of CHOGM 2013 will only serve as a declaration of the Commonwealth's indifference to human rights concerns. It will also allow a government in serious controversy over its role in egregious human rights violations to preside over the organisation from 2013 to 2015 without the necessity of having to conduct any serious or credible investigations into the allegations it faces.

If it is wished that Sri Lanka should host a future CHOGM after 2013, we urge you to direct the Commonwealth Ministerial Action Group to monitor the performance of Sri Lanka against specific benchmarks. We believe that before Sri Lanka is considered as the host of a future CHOGM it must meet the following minimum benchmarks that require it to:

1. Ensure meaningful domestic implementation of the international human rights treaties to which the Government of Sri Lanka is party and bring all legislation in line with international human rights standards;

2. Treat all people within Sri Lanka with dignity and respect as equals while allowing them to live in an environment in which they can enjoy all fundamental rights guaranteed by the Constitution of Sri Lanka and international human rights law;
3. Restore Constitutional provisions that guarantee separation of powers and re-instate the independence of the three wings of State;
4. Restore the independence of key government institutions, such as the National Human Rights and Police Commissions;
5. Institute effective mechanisms to protect journalists, civil society groups and human rights defenders who work for the promotion and protection of human rights;
6. Support and cooperate with independent and credible domestic and international investigations into all allegations concerning violations of international humanitarian and human rights law in the country, especially relating to the conduct of the armed conflict which ended in 2009; and
7. Commit to collaborate with the Office of the UN Secretary General and initiate the implementation of all recommendations set out in the report of the UN Secretary General's Panel of Experts.

Sincerely,

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