

# Australian Tamil Congress

## A Unified Voice for All Tamils



The Hon. Mr Tony Abbott MP  
Prime Minister of Australia  
Parliament House  
CANBERRA ACT 2600  
Australia

11<sup>th</sup> October 2013

### Open Letter

Dear Prime Minister,

We are writing to humbly ask you to reconsider your decision to attend the Commonwealth Heads of Government Meeting (CHOGM) in Colombo. Australia has a unique position in the Commonwealth at present, given that we are both Chair of the association and member of the Commonwealth Ministerial Action Group (CMAG). As such, Australia should seek to ensure that the principles enshrined within the association's new Charter are upheld and those that seek to undermine these values are made accountable for their actions. President Rajapaksa's regime is accused of responsibility for war crimes and crimes against humanity, as well as the on-going perpetration of egregious human rights violations. It is alarming that as host of the 2013 CHOGM, Sri Lanka will take over as Chair for the next two years with the right to sit on bodies such as CMAG. This would seriously undermine the credibility of the Commonwealth, in the year when the association seeks to renew itself.

In 2009, Sri Lanka's candidature for hosting CHOGM was deferred from 2011 to 2013 in protest at the military repression against the Tamil population and to act as an incentive to improve the human rights and political situation on the island. However, it is clear that since the end of the armed conflict, over four years ago, negligible progress has been made.

The Tamil majority, former conflict areas in Sri Lanka have been heavily militarised. There has been no inclusive political settlement that addresses the underlying cause of the conflict - the discrimination and marginalisation of the Tamil people, which has been endemic since independence from Britain in 1948. The recent Northern Provincial Council elections on the island, which were won in a landslide by the Tamil National Alliance, were a repudiation of the government's policies in the region and were marred by widespread breaches of election laws. The Commonwealth Election Observer Mission to Sri Lanka noted that voters "*exercised their franchise in the context of a compromised electoral environment [...] with the military in the electoral campaign consistently described to the mission as a significant obstacle to a credible electoral process.*"

Recent statements made by the UN High Commissioner for Human Rights, Ms Navi Pillay, have only reinforced the need to challenge the policies of the Government of Sri Lanka. Speaking following her visit to the island in August, Ms Pillay, noted that Sri Lanka "*is heading in an increasingly authoritarian direction.*" She expressed her serious concerns regarding the "*curtailment or denial of personal freedoms and human rights [...] persistent impunity and the failure of the rule of law.*" The High Commissioner's oral update on Sri Lanka to the UN Human Rights Council, in September, was equally damning and raised alarm at "*the recent surge in incitement of hatred and violence against religious minorities.*" Ms Pillay has

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also been one of the many voices who have called for the establishment of an independent, international investigation into the violations of international humanitarian law and human rights law during the conflict. Given the lamentable manner in which these issues have failed to be addressed by Sri Lanka's own 'Lessons Learnt and Reconciliation Commission', we wholly support an international mechanism to provide the truth, accountability and justice required.

In addition to the above, the illegal impeachment and dismissal of Chief Justice Shirani Bandaranayake was a contravention of the Commonwealth's Latimer House Principles. The crucial legal advice received by the Commonwealth Secretary General Kamallesh Sharma from the former South African Chief Justice Langa (Sharma did not share the findings with CMAG members) concluded Rajapakse's sacking of the country's Chief Justice in January was "unconstitutional, unlawful and sowing the seeds of anarchy". Sri Lanka should never have been allowed the right to hold this year's CHOGM. However, Commonwealth Heads of Government can still send a powerful message by staying away from Colombo in November. This is why we support the position of the Prime Minister of Canada, Rt. Hon Mr Stephen Harper MP, to boycott the event.

Speaking on Monday 7<sup>th</sup> October, Mr Harper stated that *"Canada believes that if the Commonwealth is to remain relevant it must stand in defence of the basic principles of freedom, democracy, and respect for human dignity, which are the very foundation upon which the Commonwealth was built. It is clear that the Sri Lankan government has failed to uphold the Commonwealth's core values, which are cherished by Canadians. As such [...] I will not attend the 2013 CHOGM [...] This is a decision that I do not take lightly."*

As the Prime Minister of Canada has said, boycotting the Commonwealth's most prestigious event is of real significance, and Canada is sending a strong message about its displeasure with an organization that has failed to stand up for its fundamental principles. However, it should not be Canada's job alone to seek to safeguard the values of the association. Given Australia's diplomatic influence within the Commonwealth and the adoption of the new Charter in March, securing the association's future credibility and success should be an important international objective of the Australian Government as well. However, we believe that inaction on this matter and the tacit support President Rajapaksa's regime will be given, by attending CHOGM without first setting benchmarks on accountability, reconciliation and human rights, will undermine faith in the principles of Australian foreign policy and will weaken the Commonwealth.

For these reasons, there is still time for Australia to re-evaluate its participation at the 2013 CHOGM. We urge you and our government to take a stand on these issues. A re-assessment of your attendance would be a perfect way to show that Australia is a true standard bearer for the values and principles that the Commonwealth holds most dear.

We hope you consider our views seriously and would welcome a response.

Yours sincerely,

Dr Raj T. Rajeswaran  
Chairman  
Australian Tamil Congress