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Commonwealth commitment to human rights in doubt over Sri Lanka leadership By Salil Shetty

Whatever legacy Australia may be hoping to leave when it takes over leadership of the Commonwealth at the 2011 Commonwealth Heads of Government Meeting in Perth, there is one that can only tarnish its record. A government accused of war crimes, crimes against humanity and numerous human rights violations is set to take control of this organization of governments representing more than 2 billion people around the world.

Sri Lanka is to pick up the baton from Australia as the next head of the Commonwealth from 2013 to 2015. And most of the governments that make up the 54-member union appear content to let it happen.

They appear content to ignore the Sri Lankan government's record in the closing days of its long war with the Tamil Tigers, and the long list of human rights abuses committed by both sides compiled by Amnesty International and other organizations since hostilities ended. And they appear content to remain quiet as calls for an independent international investigation into alleged war crimes and crimes against humanity committed by all sides grow louder.

More than 300,000 people were trapped by the fighting in the final weeks of the war. Some were herded into government declared 'safe zones', only to be deprived of adequate food, water and medical care and systematically bombarded by the army's heavy artillery. Others were used by the Tigers as human shields or watched helplessly as their children were forced to join the rebel army. Those caught trying to flee were shot. By the end, more than 10,000 of them were dead.

Emerging accounts of atrocities were so severe that United Nations Secretary General Ban Ki-Moon commissioned a panel of experts to advise him on the best way to ensure those responsible for possible war crimes and crimes against humanity were brought to justice.

That panel concluded that there was compelling evidence that serious abuses were committed by both sides and that an independent international investigation was warranted. But the Sri Lankan authorities resisted. They condemned the creation of the panel and its conclusions and claimed that they had implemented a 'zero civilian casualties' war plan, despite all the available evidence to the contrary – "a grave assault on the entire regime of international law", in the words of the UN panel itself.

Sri Lanka has a dismal record on human rights. The vast majority of human rights cases reported are never investigated, let alone heard in court. Arbitrary arrests and detentions, enforced disappearances and police torture are common. Media figures and trade union leaders are routinely targeted. And more than two years after the end of the war, thousands remain held without charge in government 'rehabilitation camps'.

Commonwealth countries share a commitment to basic values including democracy, freedom, peace and rule of law. Allowing Sri Lanka to head the Commonwealth runs contrary to these

values and threatens to derail the organization's commitment to human rights. It tells the world that members of the Commonwealth are willing to ignore grave abuses and injustice when what is needed is committed, global support for an independent international investigation.

So far, as their leaders gather in Perth for the bi-annual heads of government meeting on 28 October, many Commonwealth members appear content to look away, knowing that their next meeting looks set to be in Colombo. India has remained silent. So has South Africa. And the UK and other key players, both large and small, have so far avoided the issue.

But some countries are making their objections known. Canadian Prime Minister Stephen Harper has said he will boycott the 2013 Commonwealth meeting in Colombo unless Sri Lanka improves its human rights record and will encourage others to do the same. Canadian opposition members went even further, calling for Sri Lanka to be suspended from the Commonwealth until alleged perpetrators are properly held to account.

In Australia, politicians from different political parties are also raising their concerns and increasingly calling for an international investigation. Police are examining a 'war crimes' dossier alleging Sri Lankan government forces' involvement in war crimes and crimes against humanity, and activists are calling on the Australian government to arrest Sri Lankan officials allegedly involved, including the High Commissioner to Australia.

The Commonwealth has a mandate to act on any serious or persistent violations of its values. It is supposed to assess any infringement of these values and recommend measures for collective action. Pakistan and Fiji have twice been suspended in the past. Sri Lanka's position needs to be considered now.

Sri Lanka was passed over for the Commonwealth leadership in 2009 over similar human rights concerns. Nothing has changed since then. Instead, mounting evidence continues to point to culpability at the highest levels of government.

Sri Lankan President Mahinda Rajapaksa has publicly pledged to stand up to any international power or body that would try to prosecute Sri Lankan 'war heroes'. It is up to Commonwealth members to stand up for the tens of thousands of victims of Sri Lanka's civil war and to ensure the Commonwealth's values and commitments to human rights and the rule of law are upheld.

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