







19 cannot serve as a justification to ban outright the commemorative events on the basis of public health. Indeed, as highlighted in our previous letter, the misuse of the COVID-19 pandemic to restrict basic rights is already well-documented.

The only reasonable interpretation of the facts is that the Magistrates' decisions to ban the commemoration was rooted in racial or ethnic oppression and discrimination against Tamils. In other words, the Courts' prohibition is based on "the identity of the participants [and] their relationship with the authorities." The misuse of powers by the Police and Magistrates amounts to a "discriminatory abuse and attack." Since Sri Lanka "must ensure that laws and their interpretation and application do not result in discrimination in the enjoyment of the right of peaceful assembly, for example on the basis of race, colour, ethnicity [...]", Sri Lanka is in clear violation of its duty to "respect and ensure" the rights to peaceful assembly and freedom of expression with respect to the commemoration of Maaveerar Naal.

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