



# General Assembly

Distr.: General  
3 June 2021

English only

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## Human Rights Council

Forty-seventh session

21 June–9 July 2021

Agenda item 2

**Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
High Commissioner and the Secretary-General**

### **Written statement\* submitted by Action of Human Movement (AHM), a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 May 2021]

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\* Issued as received, in the language(s) of submission only.



## **COVID-19 in occupied Tamil Eelam: What are the health-related and other obligations of the responsible authorities?**

The socio-economic shocks resulting from the global spread of COVID-19 comes at a time of acute inequality and ecological fragility. The pandemic is hitting vulnerable and marginalized groups particularly hard, with fewer resources to protect themselves from health risks, to access healthcare, or to pay for essential goods. Unless business, government and civil society come together to take timely and proactive measures, the COVID-19 pandemic may unwind much of the progress made towards the 2030 Agenda for Sustainable Development and the Sustainable Development Goals.

Peoples under “apartheid” and military occupation are the main victims and are facing continuous harassments of Military. The use of the word’s ‘apartheid’ or “Military occupation” in its legal meaning can sometimes, but not always, generate considerable power and attention. The related crime against humanity of persecution never seems to attract the same interest. But in researching the law for both crimes, it has become clear that in terms of justice, they are ‘forgotten’ crimes against humanity, and are rarely prosecuted.

The 1965 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) requires all states parties to “particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.” In the law of armed conflict, the 1977 Additional Protocol I to the Geneva Conventions identifies “practices of apartheid and other inhuman and degrading practices... based on racial discrimination” as a grave breach of the treaties.

The COVID-19 pandemic has given rise to unparalleled challenges across the globe. In the occupied Tamil Eelam territory, these challenges are compounded by the pre-existing situation of prolonged occupation. In Tamil Eelam, the pandemic also takes place in the context of a 73-year-old blockade and occupation imposed by Sri Lankan unitary State, which has led to a chronic lack of access to essential goods, to the erosion of essential services including health care, water and sanitation, as well as to widespread impoverishment. This land, sea and air blockade exacerbates the vulnerability of Eelam Tamils to COVID-19: not only does it undermine the capacity of local authorities to fight against the virus, it also hampers patients’ access to adequate health care and dramatically exacerbates the social, economic and other effects of the crisis on the population.

This legal brief clarifies the international obligations of the responsible authorities in relation to the COVID-19 pandemic in occupied Tamil Eelam, with a particular focus on the obligations of Sri Lankan unitary State, as the occupying power, and Tamil Eelam as the de facto local authority under Sri Lankan occupation. The analysis mostly focuses on health-related obligations, with a shorter treatment of rules pertaining to the protection of livelihoods and education. The brief underlines the importance of not only complying with obligations related to the immediate public health, economic and social crisis created by the COVID-19 pandemic, but also of ending pre-existing violations.

### **73 years of Eelam Tamils occupation**

The COVID-19 pandemic has given rise to unparalleled challenges across the globe. In the occupied Tamil Eelam Territory, these challenges are compounded by the pre-existing situation of prolonged occupation. In Tamil Eelam, the pandemic also takes place in the context of a 70-year-old blockade and military occupation imposed by Sri Lankan Unitary State, which has led to a chronic lack of access to essential goods; the erosion of essential services including health care, water, and sanitation; as well as widespread impoverishment.

This land, sea and air blockade exacerbates the vulnerability of Eelam Tamils to COVID-19: not only does it undermine the capacity of local authorities to fight against the virus, it also hampers patients’ access to adequate health care and dramatically exacerbates the

social, economic and other effects of the crisis on the population. The virus and public health measures necessary to contain it put new strains on a local health system and an economic and social fabric already profoundly affected by years of movement restrictions and episodes of hostilities. In this sense, the COVID-19 crisis also underlines the profound, structural consequences of past and ongoing violations of international law.

In this light, clarifying the law applicable to the fight against COVID-19 in Tamil Eelam requires taking into account rules specifically relevant to contain the virus as well as other rules protecting civilian life in an occupied territory more generally. The relevant authorities must address not only the immediate public health, economic and social crisis created by the COVID-19 pandemic but also underlying protection issues. It is necessary to both end ongoing violations, and to comply with the positive obligations associated with the exercise of control over a civilian population.

This legal brief clarifies the international obligations of the responsible authorities in relation to the COVID-19 pandemic in occupied Territory of Tamil Eelam, with a particular focus on the obligations of Sri Lanka, as the occupying power, in Tamil Eelam. The analysis mostly focuses on health-related obligations, with a shorter treatment of rules pertaining to the protection of livelihoods and education. It aims at encouraging relevant stakeholders to promote compliance with IHL and IHRL by Sri Lanka and local authorities in Tamil Eelam, with a renewed sense of urgency in the context of the COVID-19 crisis.

## Recommendations

Sri Lanka must notably

- Stop the Militarization and Occupation of Tamil Eelam;
- lift the blockade on Eelam Tamils rights to self-determination;
- refrain from arbitrarily blocking or interfering with, and instead immediately facilitate, the passage of all items necessary to fight the COVID-19 pandemic, including items necessary to treat and contain the spread of the virus, to ensure the proper functioning of the local health care system, and to maintain and develop Eelam Tamils economic, Social, cultural, politics and civil rights in Tamil Eelam;
- lift unwarranted, excessive or otherwise arbitrary restrictions on the movement of patients requiring medical referrals outside of Tamil Eelam, and of health care personnel in and out of Tamil Eelam;
- lift additional unwarranted, excessive or otherwise arbitrary restrictions of access imposed in the Tamils lands;
- take all other necessary measures in its power to treat and control the COVID-19 and more generally to ensure and maintain health care in Tamil Eelam;
- refrain from hindering efforts by others, including States and humanitarian actors, to support and develop Tamil Eelam's health care system.

International community must notably

- facilitate access to essential health goods and services for Eelam Tamils to the maximum of their capacities, including preventive medicines aimed at containing the spread of COVID-19, such as vaccines;
- facilitate access to essential health goods and services for Eelam Tamils to the maximum of their capacities, including preventive medicines aimed at containing the spread of COVID-19, such as vaccines;
- refrain from rendering aid or assistance to Sri Lanka in the commission of violations of international law including the maintenance of unlawful access and movement restrictions and Military occupation of Eelam Tamils Lands;
- use their influence over Sri Lankan Unitary State, if any, to prevent further human rights violations and to ensure respect for International Humanitarian Law.

- refrain from arbitrarily blocking or interfering with, and instead facilitate, the supply of fuel, electricity and internet into the Tamil Eelam, as these are necessary for the proper functioning of essential services such as health and humanitarian services, as well as for continued access to education during the pandemic;
- Take steps through international assistance and co-operation, to the maximum of their available resources, with a view to achieving progressively the full realization of the right to health of Eelam Tamils.
- Contribute to the pooling of international funds for health (e.g. by supporting the COVAX facility) supporting directly Eelam Tamils Civil society;
- Make available essential healthcare supplies (e.g. bilaterally donating COVID-19 vaccines).
- Provide economic, technical or other forms of assistance to Eelam Tamils local authorities under occupation (e.g. for the safe transport, storage or monitoring of vaccines);
- Do everything reasonably in their power to prevent and bring to an end Sri Lanka's violation of the Fourth Geneva Conventions (such as the failure to provide vaccines for Eelam Tamils, to allow and facilitate the passage of vaccines and other relief goods into the occupied Tamil Eelam, or the unlawful occupation of Eelam Tamils Lands).
- Exert diplomatic pressure by means of confidential protests or public denunciations (e.g. conducting advocacy visits when communities are at risk of forcible transfer);
- Impose trade restrictions or suspend trade privileges or cooperation agreements with Sri Lankan genocidal State;
- Repress violations pursuant to the principle of universal jurisdiction and support international efforts to bring perpetrators to justice;
- Take appropriate steps to prevent and suppress human rights abuse by business enterprises under their jurisdiction but operating in the Occupied Territory of Tamil Eelam.
- Ensure that businesses are not involved in unlawful occupation of Tamil Eelam during and beyond the COVID-19 crisis.

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Gouvernement en Exil du Tamil Eelam, GLOBAL TAMIL MOUVEMENT, ASSOCIATION DES CHRETIENS TAMOULS POUR LA PAIX ET JUSTICE, Centre Bishop Rayappu Joseph pour la Justice et la paix, ASSOCIATION DES ANONYMES ET PERSÉCUTES DU GÉNOCIDE TAMOULE, NGO(s) without consultative status, also share the views expressed in this statement.