



NEWSLETTER

SUPPORTING NATIONAL INSTITUTIONS ADDRESSING HUMANITARIAN NEEDS

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Dear Reader,

In contrast to the protracted humanitarian crises that continue to affect countries several years after the end of an armed conflict, Sri Lanka has achieved significant progress in its post-conflict rehabilitation, resettlement and reconstruction. As a humanitarian organization, the ICRC commends the fact that since returns began in the second half of 2009, the Government of Sri Lanka, and all the organizations assisting it in this process, have helped an estimated 469,000 internally displaced persons (according to compilation of Government statistics) to return to their places of origin. This unprecedented, rapid and large-scale undertaking has required the allocation of massive resources, rebuilding of essential government services, de-mining of wide stretches of land and the coordination with a variety of different international and national aid providers.

These achievements have addressed the majority of the immediate concerns that arose when the conflict ended in 2009. However, as the recommendations of the Commission of Inquiry on Lessons Learnt and Reconciliation (LLRC), the Plan of Action of the Government for their implementation and the National Action Plan for the Protection and Promotion of Human Rights (NAPHR) have indicated, not all the issues left behind by the conflict can be realistically reduced at the same pace. In fact, in spite of the many efforts made,

some of these issues will probably still require several years of sustained attention, for example, to assist war widows and bereaved families to overcome their trauma and human losses, to ensure their economic sustainability, to foster their social integration or, more broadly, to consolidate institutional reforms that had been delayed because of the prolonged conflict situation.

Alongside the steady investments for structural development, the humanitarian work required today is no longer one of urgent dispensation of relief items and medical assistance, but one of step-by-step improvements and gradual strengthening of the self-esteem and dignity of individuals and households still affected in one way or another by the past armed conflict. These undertakings need to be carried out mostly through mid and longer-term approaches and projects, involving as far as possible, all specialized actors concerned.

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Yves Giovannoni
Head of Delegation
ICRC, Sri Lanka



ICRC

Consequently, since 2009, the ICRC Delegation in Sri Lanka has not only substantively reduced its set-up - it has also adapted its work to the peace situation, in particular as concerns its cooperation and synergy with national institutions.

This issue of the quarterly newsletter of the ICRC Delegation in Sri Lanka focuses on some of the national institutions with which the ICRC interacts.

These institutions have the capacity to reach out to affected individuals. They have the skills to build the requisite relations between affected individuals, households and their communities and government institutions. These institutions can serve the people in need of healing and recovery, be it to address psychological, legal, social or economic needs.

The partner of predilection for the ICRC in Sri Lanka is the Sri Lanka Red Cross Society (SLRCS), which through its island-wide network of branches and thousands of staff members and volunteers has the capacity to address the remaining humanitarian needs, in particular the needs of rural communities still coping with the effects of the former conflict.

With due regard to the milestones provided in the LLRC recommendations on humanitarian issues and the aforementioned Plans of Action of the Government, the ICRC is also contributing to the endeavours of national authorities and institutions, in particular as concerns families of persons unaccounted for and prisoners and their relatives.

Regarding the former, as the enclosed article indicates, these families are constantly suffering from the syndrome of 'ambiguous loss'. Sustained attention and cooperation between government services and specialized organizations is needed to assist these individuals to overcome their trauma and to move on with their lives.

While in these cases painstaking individual attention is required, the majority of the humanitarian issues in the prisons and temporary places of detention require more systemic approaches for which the ICRC is seeking to support the national institutions and ministries concerned.

Aside from contributing to these endeavours to address the remaining needs, the ICRC Delegation in Sri Lanka also supports the undertakings of the relevant national institutions in the promotion of essential humanitarian norms, through their support to the Sri Lankan Army, the Police and universities.

As the enclosed articles point out, a steadfast commitment is still required for the benefit of those who still suffer from what happened to them during the two and a half decades of conflict. To address their plight, the ICRC is joining hands with all Sri Lankan institutions seeking to address the remaining humanitarian issues.



IGP REVIEWS PROGRESS OF ICRC'S SUPPORT TO THE POLICE

A high-level meeting between the Inspector General of the Sri Lanka Police (IGP), N.K. Ilangakoon and the Head of Delegation of the ICRC Sri Lanka, Yves Giovannoni, was held recently to discuss the progress of the on-going joint training programs and the work of the Steering Committee, consisting of members of the Sri Lanka Police Department, tasked with reviewing and proposing amendments to the Departmental Orders on public order management.

The IGP and the Head of Delegation of the ICRC took note of the remarkable progress made so far in the joint collaboration between the two institutions concerning training on public order management. They also agreed on the need to ensure sustainability of the capacity-building process and the need to adopt a structured response to situations of public disorder.

The IGP mentioned that his target is to provide adequate training to OICs of Police Stations as they are the first in line to respond to the public. He also expressed the importance of extending the training to Assistant Superintendent's of Police and Superintendent's of Police in the future.

The parties agreed that training and capacity building for the Police are important to ensure a high standard of policing to meet the increasing expectations of the public.

Senior Police Officers who are members of the Steering Committee and ICRC representatives were also present at the meeting.

In collaboration with the Office of the DIG/Training and Personnel, the ICRC has so far carried out training sessions for over 2,600 police officers of different ranks across the island.



ADDRESSING THE UNDERLYING NEEDS OF WOMEN HEADED HOUSEHOLDS

Most women who have either lost their husbands due to the past conflict or have husbands with disabilities assume the role of the exclusive breadwinner in the family, without having adequate training or skill. They have to find an adequate livelihood to bring some income to help sustain the family. For those whose husbands disappeared during the past conflict and remain unaccounted for, these challenges are greater. They must face daily the trauma of not knowing whether their husbands are still alive or dead.

The recently published National Human Rights Action Plan (NHRAP) and the Plan of Action on the Recommendations of the Commission of Inquiry on the Lessons Learnt and Reconciliation (LLRC PoA) details the Government's road map to address these remaining humanitarian challenges. The ICRC discussed with Professor Savitri Goonasekere the impetus given by the NHRAP and the LLRC PoA in addressing the needs of women & children.

"The Government of Sri Lanka has taken the substantive step to address humanitarian concerns of women raised in the LLRC Report through the thematic focus contained in the National Human Rights Action Plan (NHRAP). The section on the Rights of Women, contained in the NHRAP, takes into consideration important aspects specifically related to women ranging from addressing the needs of women affected by conflict to their economic empowerment.

The LLRC Report records the pain and anguish of the widows who appeared before the Commission. They reiterated that the Government should identify their group and pro-actively intervene to solve their problems. The LLRC PoA recognizes a very important point of action and refers to the necessity to have an initial household survey aimed at identifying widows and their needs.

Anecdotal information from the North reveals that there are many unresolved issues faced by widows as well as other women including economic issues, access to livelihoods and land ownership. Some women who cohabited with men during the conflict for a long time did not have a marital status as their marriages were not registered. Qualitative data is not available to make a proper analysis of the actual needs of women and the completion of household survey will be a key milestone in this road map. One of the unforeseen aspects, while assessing the needs of women, is the complex nature of the psychosocial

needs of women, especially those who have lost their husbands and those who are awaiting information on unaccounted family members. Although systematic trauma counseling is recommended, the lack of psychiatric and psycho social counseling services in Sri Lanka is a drawback in addressing these needs. This need can be addressed to limited extent through the support of community-based civil society groups and their capacity to provide services must be strengthened.

Some women have not acquired any skills in livelihoods and commencing livelihoods on their own is difficult even with minimum cash grant. Skills development has to be given adequate priority and should run parallel to the psychosocial assistance if such programs are to have a holistic impact on these women who struggle to achieve a new beginning in their lives.

The establishment of the proposed Inter-Agency Task Force is a critical step in addressing the needs of women who have been affected by war. NHRAP recommends the Government to "...establish an Inter-Agency Task Force mandated to address in a comprehensive manner the needs of women, children, elderly and other vulnerable groups such as disabled affected by conflict, and provide necessary relief". One of the key initiatives of the task force would be the formulation of a policy on war-widows that will focus on economic issues including, land and housing rights and psycho social counseling. Anecdotal evidence of insecurity and impunity for violence against women should also be investigated so as to address the problem and afford adequate protection and relief against all forms of violence against women".



Professor Savitri Goonasekere

*Emeritus Professor of Law, University of Colombo
Professor Goonasekere is an eminent jurists in Sri Lanka who has done outstanding research on gender studies and human rights in South Asia.*

As part of its humanitarian undertakings, the ICRC works together with the Sri Lanka Red Cross Society on the Micro Economic Initiatives (MEI) program which seek to enhance the economic capacities of women headed households. Over 300 most vulnerable beneficiaries in Vavuniya and have been assisted through MEI to recommence their livelihoods.



PRISONERS' WELFARE: IDENTIFYING RECURRENT NEEDS AND VULNERABILITIES IN A COMPLEX ENVIRONMENT

"At present, in Sri Lanka, various reports and plans of action of the government offer good platforms for enhancing the humanitarian dialogue on the systemic issues"

Interview with Lebanese lawyer Ralph Wehbe, who has been working with the ICRC for the last 10 years and has been supervising the ICRC's visits to prisons and places of detention in Sri Lanka since July 2011.

The ICRC is known for visiting detained and imprisoned persons mainly during times of armed conflict. Now that Sri Lanka lives in peace, why does the ICRC pursue its visits?

The simple answer is that with the end of the war not all humanitarian problems have vanished overnight. While many of them have already been addressed, the fate of the persons still held in connection with the past conflict and the situation of their families continue to require attention.

In fact, the LLRC Report and the National Action plan for the Promotion and Protection of Human Rights (NAPHR) refer to several outstanding issues of humanitarian concern prevailing in the prisons and in temporary place of detention. These include issues relating to prolonged delays in the administration of justice, inadequate safeguards following arrest and during detention, need for suitable training of the police on these matters, timely information to the next-of-kin of arrest and transfers, prison overcrowding and enhanced protection for vulnerable categories of inmates.

Through the insight that the ICRC has acquired during its visits to prisons for over two decades, it can contribute to the efforts of all Sri Lankan institutions concerned to address the issues mentioned in the LLRC Report and in the NAPHR. Actually, more than bringing individual cases to the attention of the relevant authorities, today ICRC representatives visiting places of detention seek to discuss with them the recurrent issues that affect inmates, for example as concerns the humanitarian consequences of prison overcrowding.

How does the ICRC collect information that it then submits to the authorities?

Usually, there are three sources of information (see pictorial on the next page): the discussions at the beginning and at the end of each visit with the detaining authorities; the ICRC representatives' own observations when they go around the premises of a prison or a temporary place of detention and the interviews in private that they have with detainees. Cross-matching of the information gathered from these sources allow the ICRC to present balanced and constructive reports confidentially to the detaining authorities, with a view to improving the welfare of prisoners, in accordance with national legislation and relevant international standards. On more complex matters, such as the overcrowding issue in the prisons, the ICRC's multi-disciplinary teams

undertake a wider analysis. It refers to existing statistics and analytical reports of the different government institutions and commissions that have been set up previously. The ICRC also establish a dialogue with other national institutions, such as the Ministry of Justice or the Attorney General's Department in an attempt to address the causes of overcrowding.

Regardless of the humanitarian issues at stake, the ICRC's role consists essentially in bringing these issues to the attention of the relevant authorities. In its confidential reports, the ICRC may also make recommendations. At present, in Sri Lanka, the various reports and plans of action of the government (LLRC, NAPHR) offer good platforms for enhancing the humanitarian dialogue on the systemic issues observed in the prisons and temporary places of detention and for addressing them.

Why does not the ICRC visit all prisoners individually?

We are not an organization providing legal aid to each inmate. We are a humanitarian organization whose mandate consists essentially in contributing to preventing and alleviating human suffering. Across the world, the ICRC visits persons who are held in relation to an armed conflict or other situations of violence. Therefore, today, ICRC delegates visit individually only those who are held under the Prevention of Terrorism Act. However, the ICRC does not discriminate between categories of detainees when it provides assistance or when it conveys observations on recurrent issues that affect the entire jail population. These issues require a systemic response to benefit all inmates.

How would you assess the progress achieved by the authorities in humanitarian terms?

Today, the main challenges in prisons are the problems that I mentioned earlier and which have also been raised, for example, in the NAPHR. These issues, in particular those relating to overcrowding, continue to affect the welfare and dignity of inmates. They require more long-drawn responses. National institutions and relevant ministries are already engaged in finding solutions to these challenges. On some issues, progress has already been made - others would require more time. With regard to the institutions and ministries that the ICRC Delegation in Sri Lanka is interacting with, the ICRC observes a lot of motivation to bring about sustainable solutions, taking advantage of the opportunities provided by the peace that is prevailing in the country. My colleagues and I sincerely hope to be able to make a humble, but hopefully valuable, contribution to these ongoing and promising processes.



Ralph Wehbe
Protection Coordinator
ICRC, Sri Lanka

A DAY IN A DETENTION CENTRE



ICRC visits are a means of collecting first-hand information about the detainees' living conditions, how they are being treated. Each visit follows a set procedure. Delegates start by meeting the person in charge of the detention facility. This is an opportunity to present the objective of the visit and to discuss both the general situation and the implementation of previous ICRC recommendations.



During the interview phase, delegates will also register any detainees they consider vulnerable, so they can check on them during follow-up visits. The ICRC will only pass information collected during private interviews to the detaining authority with the express consent of the detainee.



Together with personnel from the detaining authority, the delegates then visit all areas used by and for detainees, such as cells, barracks, interrogation rooms, kitchens, latrines, exercise yards and infirmaries. This helps them understand how the facility is organized and run.



Private interviews with detainees constitute the cornerstone of the visit. These interviews allow the detainee to speak freely and in confidence about his or her situation, and enable the delegate to identify possible humanitarian problems.



The ICRC then submits first an oral, subsequently a written confidential report to the detaining authority. This report contains both the ICRC's findings and its recommendations being based on humanitarian principles.

UNDERSTANDING AMBIGUOUS LOSS IN FAMILIES OF PERSONS UNACCOUNTED FOR

Living daily with the uncertainty of the fate of loved ones is the harsh reality facing thousands of families affected, worldwide, by armed conflict or internal disturbances. Long after conflicts end and peace is restored, bereaved parents, brothers and sisters, spouses, children and friends desperately search for relatives with whom they have lost all contact. They often suffer from mental instability, leading to difficulties to cope with their lives. They also face other problems, such as psychological, legal, administrative, social and economic issues. As long as individual members remain unaccounted for, these families cannot turn the page and move on to rehabilitation and reconciliation. These families require the support of specialized state services and national organizations to assist them cope with grief.

The pervasive feeling of ambiguous loss engulfs households who have one or several relatives unaccounted for because the latter are physically absent, but remain mentally present. Even if the relatives are presumed dead - their remains have never been found. Family members are constantly preoccupied with the lost person and think of little else, even years later.

Despite differing circumstances, families of the unaccounted for share common concerns: How do they overcome the devastating agony of prolonged uncertainty? How could one grieve when there is no body to bury or to cremate in accordance with the rituals? How will it be possible to move on when there is still, somehow, a possibility, although remote, that the disappeared might be alive, somewhere?

This issue significantly undermines the mental balance of the persons affected and often hampers them from going about their daily lives. Dr Shehan Williams, Consultant Psychiatrist and Head of the Department of Psychiatry at the Faculty of Medicine, University of Kelaniya, considers this a grave issue that has to be addressed by professionals as well as the wider society in Sri Lanka.

Socially, the distress of a affected person is hardly understood and accepted. This is because the situation of ambiguous loss blurs the traditional markers of life or death. While it usually shows compassion at the beginning, over time, the community surrounding the bereaved family loses patience with the lack of closure. The families concerned become isolated. *"Communities become insensitive to the needs of the people going through this loss,"* explains Dr Williams.

"Friends and family are reluctant to talk openly about the issue. The common well meaning - but misguided - response is to reassure the person with the loss that their loved one who is unaccounted for will return. This is due to the general difficulty in accepting the grief and allowing the person to express their distress. Such reassurance leads to further guilt and prevents the person from moving on," according to Dr. Williams.

Ambiguous loss that persists for a long time is physically and emotionally exhausting. Those who live reasonably well, even when a loved one remains unaccounted for during many years, do so by learning to hold two opposing ideas in their minds at the same time. They may believe that their loved one, though dead, is still with them in some sense; or they may move on with their lives while still holding out hope of finding the body. Such shuttling thinking, whenever it settles in, helps to begin the healing process, even while confusion persists. As a wife said when referring to her disappeared husband, *"I must move on and organise life without my husband, but at the same time, I can hope and remember"*.

For many families of the unaccounted for, it will sadly never be possible to retrieve the body, or at least part of it and to perform the rituals, which would help them to overcome the loss of the relative. As Dr Williams explains *"the normal first reaction to any loss is denial. All the cultural rituals in a funeral ceremony are designed to bring home the reality of the loss and take the person through the grieving process with the support of the community. The burial or cremation is symbolic of the final exit of the person."*

"Sri Lankan society will have to address this issue. It will have to provide space for the families of the unaccounted for to share their grief. Collective events of acknowledging the grief and sharing the commonality of the experience will help ease the pain. A symbolic memorial for those unaccounted for can also help families to cope with their loss. This process is vital if these families are to lead productive and healthy lives. It has to be addressed as a part of the post-war rehabilitation process," adds Williams.

The minds and hearts devastated by the conflict, trauma, human losses cannot be healed overnight and, even then, only by focusing on a developmental approach. The families of the unaccounted for need to be supported and accompanied – often for months and years - through the process of grief, acceptance of the ambivalent thoughts and feelings, urge of finding the meaning and discovering hope. Counselling works better when the very nature of ambiguous loss is understood and the wider community is involved along with health professionals, including, among others, the members of the families themselves and their associations, specialized organisations and religious institutions.

This article contains extracts from the article "Ambiguous loss in families of the missing" by Pauline Boss.

Pauline Boss is a professor and clinical supervisor in the doctoral training programme in Marriage and Family Therapy at the University of Minnesota.



SRI LANKA RED CROSS SOCIETY OPENS ITS REGIONAL DISASTER MANAGEMENT FIELD TRAINING SCHOOL IN ANURADHAPURA

The Sri Lanka Red Cross Society (SLRCS) opened a Disaster Management Field Training School in Anuradhapura to provide basic disaster management training to its employees and volunteers. The training will enable them to respond to local level emergencies occurring during natural or man-made disasters.

"There was a need for such a facility due to a dearth of trained personnel to deal with emergencies at community level during times of disaster", said Sudath Madugalle, Deputy Director General of the SLRCS at the official opening of the School in September.

The SLRCS expects nearly 5,000 volunteers from all districts to participate in the training in the next three years. As at November, the first batch of 20 SLRCS employees and volunteers completed the four-day training which comprises theory and practical components.

The training will be done by local and international experts in an integrated manner and the first year trainers from the SLRCS

will train branch response teams. The International Federation of Red Cross and Red Crescent Societies and its Partner National Societies will support the School with its training plans.

Mr Madugalle stressed the importance of the ICRC and IFRC - its partners of the Red Cross Movement - offering their support to the SLRCS to implement this training.

The Head of the ICRC delegation in Sri Lanka, Yves Giovannoni, who addressed the opening ceremony said that *"the ICRC continuously strives to build and promote the response capacity of the SLRCS to support the work of national organizations during emergencies"*. The ICRC provided the School with the initial technical and financial support.

Bob Mckerow, the Head of Delegation of the IFRC in Sri Lanka who was also at the ceremony said he envisaged SLRCS volunteers who are trained in emergency response activities as role models for other stakeholders with trained response teams.





21ST SOUTH ASIA TEACHING SESSION ON INTERNATIONAL HUMANITARIAN LAW

The International Committee of the Red Cross (ICRC) Delegation in Sri Lanka, supported by the Ministry of External Affairs of Sri Lanka, will host the 21st South Asia Teaching Session on International Humanitarian Law (SATS) in Colombo from 29 November to 06 December 2012.

Government delegations from eight countries - India, Afghanistan, Bangladesh, Bhutan, Maldives, Nepal and Pakistan from the South Asia Region as well as Iran and Myanmar - will participate in this Regional Conference. It will also include academics specialized in international humanitarian law and human rights law.

"Having the SATS in Sri Lanka would allow more Sri Lankan participants to benefit from this programme, which is an advanced course in International Humanitarian Law," said Channa Jayawardena, Communications Officer and focal point for the programme. Since its inception in 2002, approximately 50 Sri Lankan government officials, military officers and academics have benefited from this regional training. *"This is the first time we are organizing the SATS in Sri Lanka and we are very happy to do it with the support of the Ministry of External Affairs,"* added Jayawardena.

From Sri Lanka, sixteen participants from the Ministries of External Affairs, Health and Justice as well as from the Legal Draftsman Department, Attorney General's Department, Kothalawala Defence University and the Armed Forces will attend the sessions.

APIIT WINS NATIONAL ROUND OF THE HENRY DUNANT MEMORIAL MOOT COURT COMPETITION 2012

A team of undergraduates from the APIIT Law School emerged winners at this year's Henry Dunant Memorial (National) Moot Court competition, with the Faculty of Law of the University of Colombo becoming runner up. As winners of the national rounds APIIT Law School, which won the Competition for the first time, participated in the South Asia Regional Moot Court Competition held in Dhaka on 12th and 13th of October 2012. The regional round was won by the team from India with the team from Pakistan coming second. These two teams will compete at the Asia Pacific Moot Competition in Hong Kong to be held early next year.

This year was the sixth consecutive year, the Faculty of Law of the University of Colombo, supported by the ICRC Delegation in Sri Lanka, hosted the national rounds of the Competition. Four universities – the APIIT Law School, Royal Institute, the Colombo Law Faculty and the Kothalawala Defence University – participated in the semi-final rounds of the Competition held on the 20th and 21st September 2012.

The judges for the final round were Justice Priyasath Dep (Judge of the Supreme Court), Mr Palitha Fernando (Honorable Attorney General) and Mr Mario Gomez (independent consultant).

The Henry Dunant Moot Court Competition, named after the founder of the International Red Cross Movement was started by the ICRC regional delegation in India in 2001 with the aim of promoting better awareness of IHL among law students in universities throughout India.

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization, which works in over 80 countries worldwide. Its humanitarian mandate has been bestowed upon it by States which are parties to the Geneva Conventions. Today, all countries of the world are part of the Geneva Conventions. The ICRC belongs to the International Red Cross and Red Crescent Movement, within which it has the specific humanitarian assignment to contribute, as a neutral intermediary, to the protection of lives and dignity of victims of the armed conflict and other situations of violence and provide them with assistance whenever required. In all countries where it is present, the ICRC cooperates with the National Societies of the Red Cross or red Crescent and supports the undertakings of the authorities and national institutions in addressing humanitarian issues, in particular as concerns the consequences of an armed conflict. The ICRC also endeavours to prevent suffering by promoting and strengthening international humanitarian norms and universal humanitarian principles along with the national institutions and organizations concerned.



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