



# NEWSLETTER

JANUARY-JUNE 2014

## A FAMILY NEEDS ASSESSMENT

### IDENTIFYING HUMANITARIAN NEEDS OF FAMILIES OF MISSING PERSONS

Dear Reader,

In January this year, a proposal by the International Committee of the Red Cross (ICRC) to conduct a Family Needs Assessment for the families of missing persons was accepted by Sri Lankan authorities. It follows discussions the ICRC had with officials from the Ministry of Defence and the task force of the Lessons Learnt and Reconciliation Commission (LLRC).

The ICRC will carry out an island-wide survey using a representative sample of families of the missing from the organisation's caseload. From 1990, the ICRC has received more than 16,100 tracing requests from families, including approximately 5,200 from families of missing soldiers and policemen.

The initial idea is to assess the multifaceted needs of these families. These could be economic as a result of the breadwinner being the missing person, or administrative and legal concerns such as difficulties in claiming a pension or managing property rights. The ICRC's experience of working with families of missing persons in other countries has often revealed other important needs in terms of psychosocial support, resulting from not knowing the fate of their missing relative.

A needs assessment is a process of understanding the families' specific difficulties, needs and expectations, as well as their own existing resources, means and coping mechanisms. This will help identify existing services that could be useful for the families, but also gaps between expressed needs and existing resources or services. A report will be shared with the Government of Sri Lanka to help the latter design an adequate response to the needs of the families identified. The assessment will also serve as a basis for any further proposal by the ICRC with regard to follow-up actions

or possible humanitarian programmes in favour of these families.

In Nepal, the accompaniment or Hateymalo programme, which in Nepalese means 'join hands together', is a comprehensive support programme started by the ICRC delegation in Kathmandu for families of missing persons, and encompasses psychosocial, legal, administrative, and religious activities. It is implemented with local and national level organisations.

It is very clear that the ICRC will not be in a position to address all these needs; the aim is to come up with an objective tool that the government could use to determine what it could do to address these needs and to mobilise other actors and service providers in creating a solidarity network for the families.

The ICRC Delegation in Sri Lanka

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ICRC

# HEALTH CARE IN DANGER: ENSURING SAFER ACCESS



A replica of a bullet-ridden ambulance on display at the ICRC headquarters in Geneva.

As part of a global drive to ensure safe access to health care during conflicts and other emergencies, the last in a series of expert consultation workshops took place in Brussels earlier this year.

The workshop, attended by lawyers, members of military medical services, representatives of the World Health Organization, the World Medical Association and the International Council of Nurses, focussed on domestic regulatory frameworks and their implementation.

The discussions during the workshop centred on enhancing legal protection for the wounded and sick, medical personnel, facilities and transport, and strengthening legal provisions relating to the improper use of the distinctive emblems set out in the Geneva Conventions and their Additional Protocols.

“Getting to know about the protective emblems was interesting”, said Ms A R Ahamed, the Legal Advisor to the Ministry of Health in Sri Lanka who participated in the workshop. “The discussion on effective sanctions was very informative, although I liked all the topics on the agenda”, she added.

Participants also exchanged views on how to protect the observance of principles of medical ethics and confidentiality in armed conflicts and other emergencies and how to effectively enforce the law in connection with health care. They recommended that national legislation should not only prohibit direct attacks on medical personnel and facilities, but should also outlaw obstructions to health care, such as interfering with ambulances.

Mrs Ahamed said that the workshop had been an opportunity for her to talk about Sri Lanka’s experience of war. “I was able to share views on the practical solutions to access health care and the protection of health care employees during such times,” she explained.

Experts from more than 20 countries participating in the workshop were of the view that a country’s domestic legislation on health care, while adhering to medical ethics, should reflect the needs of that country. They felt this to be a more effective way of ensuring greater protection of that country’s health care during conflict and other emergencies, as opposed to taking a one-size-fits-all approach and drawing up a set of standard rules for countries to

implement. The participating experts also moved for better protection of traditional medicine, expanded mental health services and improved care for victims of sexual violence.

Following the launch of the Health Care in Danger project, there has been a high level of engagement and commitment from relevant stakeholders such as state authorities, humanitarian organisations, and within the Red Cross and Red Crescent Movement. The expert consultations indicate a broad consensus on the significance of the issue and a commitment to deal with it, which has resulted in recommendations and suggestions for practical measures. A project report, with recommendations, will be released this year.

The workshop was co-organised by the ICRC, the Belgian Red Cross and the Belgian Inter-ministerial Commission for International Law.

**HEALTH CARE IN DANGER** **IT'S A MATTER OF LIFE & DEATH**

# SUSTAINABLE SOLUTIONS FOR VULNERABLE COMMUNITIES TO HAVE CLEAN WATER



SLRCS volunteers learn to check PH levels in water using a water testing kit.

Worldwide, the ICRC seeks to maintain access to water for the most vulnerable segments of the population in emerging, acute, chronic, post-crisis and post-conflict situations. In keeping with its global mandate, the ICRC in Sri Lanka together with its national partner, the Sri Lanka Red Cross Society (SLRCS), launched a pilot project in the Polonnaruwa district in January 2011 to improve the living conditions of communities affected by the north-east monsoon, and provide them access to safe drinking water.

Sri Lanka's Disaster Management Centre (DMC) welcomed this initiative, and the ICRC intensively trained 185 volunteers from seven SLRCS branches (Anuradhapura, Ampara, Batticaloa, Jaffna, Kilinochchi,

Mullaitivu, Polonnaruwa) to support the implementation of this project in their respective districts. Volunteers learnt how to clean a well – no simple task. They learnt to test the quality of the water, disinfect it via chlorination, and dewater it, a technical process that involves basic knowledge of engineering.

The head of the ICRC's Water and Habitat department in Sri Lanka and an engineer by profession, Imthiyas Kaleel, says "the aim of the project is to ensure volunteers (and the SLRCS branches) are fully equipped and well trained to achieve the objective of providing targeted vulnerable segments of the population access to clean drinking water." The project has had a lasting impact,

Through the DMC, the ICRC will train employees of the Ministry of Health and the pradeshiya sabha in the Batticaloa and Mullaitivu districts

benefitting a total of 28,000 individuals to date.

This year, the ICRC was able to take the project a step further and collaborate with local authorities. Through the DMC, the ICRC will train employees of the Ministry of Health and the pradeshiya sabha in the Batticaloa and Mullaitivu districts, as well as donate necessary equipment such as water pumps, conductivity meters, pool testers, turbidity tubes, ladders, and hoses, as well as chlorine and safety gear to prepare them to respond to any crisis situation or emergency. These items were also initially distributed to the seven SLRCS branches mentioned here.



A Public Health Inspector in Ampara observes as unclean water is pumped out of a well.



Well cleaning in progress.

# SRI LANKA HOSTS REGIONAL GATHERING ON INTERNATIONAL HUMANITARIAN LAW

The 24th South Asia Teaching Session (SATS) on international humanitarian law (IHL) was held in Sri Lanka in May this year.

Approximately 50 nominated officials from Afghanistan, Bangladesh, Bhutan, India, Iran, Maldives, Nepal, Pakistan and Sri Lanka participated in the event.

“The SATS is intended for officials working in government ministries or departments, who may benefit from an in depth understanding of IHL and related legal principles”, said Charles Sabga, the ICRC’s Regional Legal Advisor.

“The programme is also open to personnel from the armed forces, police, civil society organisations, academic and other institutions, who are exposed to issues related to or maintain an interest in IHL, international human rights law and international relations and/or defence studies,” explained Mr Sabga.

Sri Lanka was represented by 17 participants from the University of Colombo, the Ministry of Justice, the Ministry of External Affairs, the

Attorney General’s Department, the Legal Draftsman’s Department, Sir John Kotelawala Defence University and the Armed Forces.

During the sessions, academics and experts in IHL delivered lectures on topics including

the role of women in peace-building, the relationship between IHL and international human rights law, and provisions of IHL relating to missing persons.



Sri Lanka’s Attorney General, Palitha Fernando, along with participating delegates, is welcomed to the inauguration of the conference by traditional Kandyan dancers.



Participants discuss a case study and raise questions during a session.



The SATS in progress.



The first, second and third highest scorers, respectively, of the mid-session review test receive their prizes from the Head of Delegation of the ICRC, Ms Cherine Pollini. L to R: Mr A M J Sadiq, Director General Public Communications and Director General Office of Secretary of External Affairs, Ministry of External Affairs, Sri Lanka; Major C A G W Chithrasena, Sri Lanka Army; and S Pandiaraj, Legal Officer, Asian African Legal Consultative Organisation, India.

# THE ROLE OF FORENSICS IN HUMANITARIAN ACTION



Taking steps towards clarifying the fate of the missing.

Forensic science has become an indispensable tool in humanitarian action. People die in conflicts, natural disasters and during migration, and their remains should be properly managed and handled with dignity and respect. Furthermore, when individuals go missing in these contexts, searching for their remains is one way of clarifying their possible fate.

Although instrumental in providing answers, using forensic science to identify missing persons is not always easy. According to Shuala Drawdy, a forensics advisor at the ICRC, there are a number of constraints ranging from legal and financial concerns to insufficient technical expertise and resources, including manpower, which would make practical implementation difficult. Ultimately, it is solace and closure for families of missing persons that fuels the expanding role of forensic science in humanitarian action, and in research and dialogue to overcome challenges faced in this field.

In Sri Lanka, the ICRC's forensic experts support the efforts of the Ministry of Health in drafting guidelines on the management of dead victims in disasters and catastrophes. The guidelines, when adopted, will constitute

a precious tool in helping first responders and government authorities properly manage human remains. In addition, the tool will serve as a rare worldwide reference. Ms Drawdy, who has served as the Regional Forensic Advisor to the Caucasus and Balkans from 2005 to 2008, and thereafter was based at the ICRC's headquarters in Geneva between 2010 and 2013, visited Sri Lanka earlier this year in response to invitations from the Commission of Inquiry on Disappearances and the College of Forensic Pathologists of Sri Lanka.

While in the country, she met with representatives of the Commission of Inquiry on Disappearances and the Faculties of Forensic Medicine at the University of Kelaniya and University of Colombo, among others. The visit to Sri Lanka was also an opportunity to assess the possibility of the ICRC strengthening its forensic support to the government of Sri Lanka.

The ICRC's forensic services unit was established in 2003, following an initiative to address the issue of the missing and the needs of their families. Before long, the organisation became a respected authority in the field of forensic science and humanitarian action. In 2011, even before

it had completed ten years of work in this arena, the ICRC was awarded a special prize by the International Association of Forensic Sciences for the organisation's contribution to the development and promotion of applied forensic sciences worldwide.

The ICRC's work in forensics includes providing advice, support and training to local authorities and forensic practitioners who are searching for, recovering, analysing, identifying, and managing large numbers of unidentified remains from natural and man made disasters and along migratory routes, as part of efforts to help clarify the fate of missing persons. In addition, the ICRC also promotes forensic best practice in relation to sensitive forensic questions about the living on issues of concern relating to international humanitarian law, such as injury evaluation and documentation, estimation of age (particularly of minors), and confirmation of identity. The ICRC's current forensics strategy highlights the importance of long-term goals such as capacity building at the domestic level and within National Societies, and recognises the added value of the ICRC for its ability to disseminate best practices and set standards in the field.

# DEEPENING DIALOGUE ON SEXUAL VIOLENCE AND ARMED CONFLICT AT THE FIFTH SOUTH ASIAN CONFERENCE ON INTERNATIONAL HUMANITARIAN LAW



AALCO Deputy Secretary-General Feng Qinghu delivering the keynote address at the conference.

Representatives from the region's Ministries of Justice, Foreign Affairs and Defence as well as academics and members of the armed forces, police, judiciary and civil society gathered in Kathmandu, Nepal, in April this year, for the fifth South Asian Conference on international humanitarian law (IHL).

The conference provided a forum for these representatives who were from Afghanistan, Bangladesh, Bhutan, India, Nepal, Pakistan, Maldives, Sri Lanka and Iran, to listen to and/or engage in numerous panel discussions under the broad theme of Sexual Violence and Armed Conflict. Sri Lankan representatives included the Legal Advisor to the Ministry of External

Affairs, Mr Thusantha Wijemanne, Senior Assistant Secretary (Legal) at the Ministry of Justice, Ms Piyumanthi Peiris, Senior State Counsel at the Attorney General's Department, Mr Sanjeewa Dissanayake, and Lt Col W A N S Perera of the Sri Lanka Army.

During the three days of the conference, panellists discussed a range of topics such as the Changing Role of Women in the Military, Prevention of Sexual Violence in Armed Conflict and Post Conflict Situations, Addressing the Needs of Women and Children in Conflict and Post Conflict Situations and International Law Towards Sexual Violence.

The Deputy Secretary-General of the Asian-African Legal Consultative Organisation (AALCO), Mr Feng Qinghu, who delivered the keynote address at the opening ceremony, told guests and participants that sexual violence in armed conflict is a multifaceted and complex criminal act. He said it could also be part of a genocidal strategy which could inflict life threatening bodily and mental harm and form part of the conditions imposed to bring about the ultimate destruction of an entire group of people.

Mr Qinghu said the nature of offences has transcended not only borders but also gender. "The contemporary discourse in sexual violence in armed conflict encompasses not only women and children but also male and transgender. Sexual violence is not limited to rape alone, but includes sexual slavery, enforced prostitution, forced pregnancy including HIV/AIDS and enforced sterilisation," he explained.

According to him, regulating sexual violence in armed conflict has been a challenge for the international community, but much has changed since the establishment of the International Criminal Tribunal for Yugoslavia (ICTY) and Rwanda (ICTR).

The Asian Legal Consultative Committee (ALCC) was established in 1956. It was renamed AALCO in 2001 after gaining the



An overview of one of the sessions at the conference.

status of an inter-governmental organisation with a coalition of 47 countries today. Sri Lanka was among its seven founding members. AALCO's fundamental premise is to coordinate the viewpoints of the Asian and African states on important issues in international law that are of common concern to these brother continents.

The South Asia conference on IHL is an annual event organised by the ICRC, with the support of national authorities.



Nepal's Minister of Law and Justice welcomes dignitaries and participants.

# FACTOID

## ICRC ACTIVITIES: JANUARY-JUNE 2014

### DETAINEE WELFARE

- monitored the treatment of 696 people held in detention facilities and rehabilitation;
- carried out 32 detention visits in 21 places of detention under the Ministry of Rehabilitation and Prisons Reforms and the Ministry of Law and Order;
- paid allowances to the families of 423 detainees to enable them to visit their relatives in detention, while 83 families exchanged news via Red Cross Messages or oral messages over the phone;
- provided ad hoc assistance in the form of cleaning materials, hygiene and recreational items to more than 10,000 detainees;
- fixed solar water-heating systems and fans in the Batticaloa and Negombo remand prisons, benefiting over 500 detainees;
- carried out further repairs on two wards in the Anuradhapura remand prison, benefiting over 900 detainees.

### PROMOTION OF INTERNATIONAL HUMANITARIAN LAW (IHL)

- provided training on community-oriented public order management for over 700 members of the police force, and on IHL for over 700 military personnel to be deployed on peace-support missions abroad;
- made it possible for the Legal Officer of the Ministry of Health to attend the Health Care in Danger workshop in Brussels in January 2014, and two legal experts (one from the Attorney General's Department and the other a senior legal expert) to attend the Preparatory Meeting of Government Experts on Strengthening IHL and Protecting Persons Deprived of their Liberty in Relation to Non-International Armed Conflict, in Geneva;
- conducted a three-day advanced seminar on IHL for armed forces at the General Sir John Kotelawala Defence University;
- provided training for Sri Lankan judicial medical officers and other forensic experts.

### SUSTAINING LIVELIHOODS AND PROVIDING ACCESS TO SANITATION AND SAFE DRINKING WATER

- provided cash grants to 120 households headed by women, people with disabilities and 150 released rehabilitees, in line with a government community enhancement programme, helping them to earn a living;
- continued to construct two and renovate eight open-dug wells in the Kiran divisional secretariat in Batticaloa with the aim of providing safe drinking water to over 1,000 individuals;
- continued to improve sanitation and access to safe drinking water for over 7,000 schoolchildren in the Killinochchi and Mullaitivu districts by constructing 32 toilets and eight overhead water tanks.

### SUPPORT TO THE SRI LANKA RED CROSS SOCIETY

- trained eight Red Cross branch dissemination teams, amounting to 109 volunteers, and contributed to the World Red Cross Red Crescent Day celebrations island-wide;
- continued to provide the National Society with financial, technical and material support for its Restoring Family Links services for people in need, re-establishment of the Society's branches in Killinochchi and Mullaitivu, apart from providing training in first aid, search and rescue, and rapid assessment. This helped disaster response teams throughout the country to strengthen their emergency preparedness.

### PHYSICAL REHABILITATION

- supported 551 patients with disabilities through the Jaffna Jaipur Centre for Disability Rehabilitation; this included the production of 147 prostheses, 77 orthoses and 32 other mobility aids.

# THE RED CROSS MOVEMENT CELEBRATES WORLD RED CROSS AND RED CRESCENT DAY



Hoisting the flags: Igor Dimitryuk, Head of Delegation of the International Federation of Red Cross and Red Crescent Societies; Jagath Abeysinghe, Honorary President of the SLRCS; and Cherine Pollini, Head of Delegation of the ICRC in Colombo.



Walking for humanity: school children walk from SLRCS' national headquarters in Colombo to the Lakshman Kadirgamar Institute.

The 8th of May is commemorated the world over as World Red Cross and Red Crescent Day. The day marks the birthday of Henry Dunant who founded the International Committee of the Red Cross (ICRC) in 1863.

Dunant was also the recipient of the first Nobel Peace Prize. The Sri Lanka Red Cross Society (SLRCS), supported by the ICRC, carried out a series of activities island wide to promote the fundamental principles

of the Movement. The SLRCS has been in operation since 1936 and has branches in 25 districts of the country.

## SRI LANKA'S MOOTING CHAMPIONS COMPETE IN THE ASIA PACIFIC ROUND IN HONG KONG

The team from the Department of Law, University of Jaffna, which won the national round of the Henry Dunant Moot Court Competition, mooted with other undergraduates of law from South Asia and Asia Pacific at the 12th Red Cross International Humanitarian Law (IHL) Moot Court competition in Hong Kong in March this year. They also participated in the prior regional round in New Delhi, where a member of the team won the award for Best Advocate.

Here, the team share their perspectives on the moot court.



The winning team of the national round in Sri Lanka receive their award from Attorney General, Palitha Fernando.



"My dream of participating in the competition and developing research skills was fulfilled," Chanuka Ekanayaka.



"I learnt the practical dimensions of IHL, so did the rest of the team. This moot is not all about winning, it's about learning," Radheef Ahamed.



"The Henry Dunant Moot Court Competition was ground breaking for the Department of Law at the University of Jaffna because it introduced us to a moot culture which previously did not exist. It disciplined us to work tirelessly and understand the skill required to practice the law. To self-teach an entire area of law as vast as IHL was a novel experience," Shiloma David, awarded Best Advocate in the national and regional rounds of the competition.



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