



# NEWSLETTER

## RESPONDING TO NEEDS

### ADDRESSING THE NEEDS OF FAMILIES OF MISSING PEOPLE

Dear Reader,

Often, people go missing during conflicts and other situations of violence. On 30 August every year the world commemorates the International Day of the Disappeared, when families of missing people come together to remember their loved ones. For them, the search for their missing relatives continues, long after a conflict or the violence ends.

What these families want to know the most is what happened to their missing relatives. They desperately seek answers, sometimes spending the little money they have travelling in search of their missing relatives. Many families seek solace in their religion.

All these families have left of their loved ones are memories and their personal belongings. It is not unusual to see a mother weep, clutching a handkerchief that belonged to her missing son, or a wife sporadically taking out of a wardrobe the uniform and medals of her soldier husband, fondly flicking away the dust and putting it back.

Like their missing relatives, these families too are victims. They live in limbo, perpetually torn between hope and despair, waiting for the return of their loved ones.

In Sri Lanka, since 1990, over 16,000 people have been reported missing to the ICRC.

Over the past years, through its dialogue with the Government of Sri Lanka, the ICRC has been advocating for comprehensive efforts to be undertaken to provide families with an answer about the fate and whereabouts of their missing relatives, and to have their humanitarian needs addressed.

As a part of these efforts, between November 2014 and July 2015, the ICRC, with the approval of government authorities, carried out a Family Needs Assessment in all 25 districts of Sri Lanka to ascertain the many needs these families have. Three hundred and ninety five families, including families of missing armed forces and police personnel, were interviewed during the assessment.

Before the end of 2015, the ICRC will share with the authorities concerned, detailed findings from the assessment, and recommendations on how best to address the needs of these families. Based on its findings, the ICRC, in partnership with local organisations and in agreement with authorities, plans to implement a project to address the needs of families of the missing in several districts

in the country. This programme is part of its humanitarian action for missing people in Sri Lanka, and will contribute to the authorities' efforts to address their needs.

The ICRC promoted the adoption of a Certificate of Absence for families of the missing, to recognise the legal status of missing people and help their families overcome obstacles in their daily legal, administrative and financial matters. This certificate seeks to preserve the missing person's interests, while addressing the immediate needs of his/her relatives and dependents. Such a certificate will help these families to access compensation schemes, manage the missing person's assets, and make claims on family matters. This certificate, contrary to a death certificate, will not change the civil status of the spouse and children.

The ICRC Delegation in Sri Lanka



ICRC

# FIRST AID IS FOR EVERYONE, EVERYWHERE

Everyone should know how to save a life. Age is no bar. First aid and ageing population builds a positive image of ageing and recognizes older people as an important resource.

More older people trained in first aid means they can take swift and effective action to reduce serious injuries and spot early warning signs for non-communicable diseases such as strokes.

- <http://ifrc-media.org/interactive/first-aid-2015/>

On 12 September, the Red Cross and Red Crescent Movement – the national societies, the International Federation of Red Cross and Red Crescent Societies (IFRC) and the ICRC – celebrated World First Aid Day 2015, under the slogan “First aid is for everyone, everywhere”. The theme for this year was “First aid and ageing population”.

Knowledge of first aid techniques enables an individual to provide initial assistance to any person suffering a sudden illness or injury to preserve life, prevent the condition from worsening, and/or to promote recovery. As vital as first aid is in an emergency, disaster, conflict, or situation of violence, it is also something that is essential for the elderly to know about.

Ageing is a global phenomenon. Two people in the world celebrate their 60th birthday every two seconds. In the year 2000 in Sri Lanka, 9.8% of the country's population was over 60 years of age. This percentage is projected to reach 21.5% by 2030, the highest growth rate of the ageing population in South Asia.

Teaching the elderly first aid makes them independent, and could give them the ability to prevent physical accidents and certain illnesses or minimize their effects. With this in mind, the Sri Lanka Red Cross Society (SLRCS) organized an introductory first aid training at the Thusitha Elders Home in Mattegoda, Homagama.

Ninety elders and their caregivers learnt what to do in the event of a fracture, heart attack, an asthma attack, and bleeding. They learnt first aid for choking, and the



Elders of the Thusitha Elders Home, Homagama, at the introductory first aid training.

technique of transporting an injured person in need of further medical treatment. The SLRCS presented the home with a first aid kit, and each participant received a first aid informational booklet and a triangular and crepe bandage.

Sixty one newly-qualified first aid instructors of the SLRCS received certificates at the end of the programme, confirming them as those equipped with the ability to impart life-saving knowledge and skills to others – to be ‘first aid heroes’.

SLRCS branches throughout the country also held first aid trainings for the elderly and for the communities in their respective areas.

Head of the ICRC's delegation in Sri Lanka, Ms Claire Meytraud, speaking about the history of World First Aid Day in her address at the elders' home said, “For the partners in the Red Cross and Red Crescent Movement, first aid goes beyond the application of a technique. It is a humanitarian act. In fact, it will not be wrong to say that the seeds of this humanity

were sown in 1863 when Henry Dunant went about caring for the sick and wounded on the battlefields of Solferino.” “That legacy of Dunant's humanity has endured for more than 150 years through the work of the Red Cross and Red Crescent Movement”.

The IFRC introduced World First Aid Day in 2000. Since then, every year, on the second Saturday of September, the Red Cross and Red Crescent Movement celebrates the day with various activities in the countries in which its partners are present.



Head of the ICRC's delegation in Sri Lanka, Ms Claire Meytraud, presents certificates to newly-qualified first aid instructors of SLRCS.



First aid instructors demonstrate how to transport an injured person in need of further medical treatment (right), and how to take care of a fracture (left).



# DISCUSSING REFORMS RELATING TO THE CONDUCT OF INQUESTS OF DEATHS

Inquests of deaths are “(...) inquiries and investigations (...) with regard to (...) unnatural deaths, primarily with the view to ascertaining the scientific and other causes for the occurrence of death, including the attendant circumstances.”

- Kodagoda, Y., “The Law and Practice Relating to Inquests of Deaths”, *The Colombo Law Society, Hulftsdorp Law Journal*, 2014 Volume 1.



Participants discuss and raise questions about the various reforms proposed by those who presented.

Mr Yasantha Kodagoda, PC, Additional Solicitor General and a member of the Committee, shared his views on the workshop and its purpose.

## What was the purpose of this first workshop and what did the Committee hope to achieve through it?

The Minister of Justice appointed this Committee to examine the prevailing law, procedures and practices associated with the conduct of Inquests into Deaths. The Committee comprises several professionals of various sectors which provide services inter-alia, relating to the conduct of Inquests into Deaths. Therefore, we do have our own ideas and views regarding the manner in which the existing law, practices and procedures pertaining to the conduct of Inquests into Deaths ought to be revised. However, we felt we should take into consideration the views of a wider section of professionals and other stakeholders associated with the conduct of Inquests.

We organized the first workshop with the assistance of the ICRC, and invited representatives from the Association of Inquirers (Coroners), College of Forensic Pathologists, Government Medical Officers Associations, the Judiciary, Muslim Inquest Facilitators Association, Disaster Management Centre, Registrar of Births and Deaths, Ministry of Public Administration, Inspector General of Police, and the Centre for Policy Alternatives. They were invited to express their views regarding the prevailing situation, and make recommendations for improvement of the system. We now intend to examine all the proposals submitted and consider which of them ought to be taken on board and added to our own recommendations.

## What did you think of the participants' presentations and recommendations overall?

Without exception, all the participants showed keen interest and enthusiasm. Their inputs were most productive, and for me, I saw certain aspects of the present situation which I had not seen before. It was a very productive day, where we engaged in an inclusive dialogue.

## How will the Committee use the recommendations made during the workshop, and what are the next steps in their work?

After careful consideration, we will take on board the appropriate proposals, and merge them with our own views and proposals to develop provisional recommendations. Thereafter, we propose to have a second workshop at which the provisional recommendations are shared with the same participants, and their views solicited in order to fine-tune these recommendations. Following this, the Committee will meet to review the views expressed and finalize the proposals. The finalized proposals will be presented at a third workshop. This will enable us to obtain more views from the participants, and possibly their concurrence regarding our proposals, which we will present to the Minister of Justice.

We feel that this inclusive process will lead to the development of a set of proposals enriched with the ideas of virtually all the stakeholders associated with the conduct of Inquests into Deaths.

Our desire is to develop a new system – pertaining to the conduct of Inquests into Deaths – which will meet with, and set standards for meeting with, the needs of the families of the deceased, the rule of law and law enforcement requirements, and the best interests of, and justice for, the deceased, as well as uphold justice and address contemporary challenges in our society.



Committee member, Mr Yasantha Kodagoda, and former secretary to the Ministry of Justice, Mrs Kamalini De Silva, chair the presentation sessions.

In Sri Lanka, the medical-legal framework for investigations of deaths (procedures for inquests into deaths) is embodied in the Code of Criminal Procedure Act. Recognising the need to update the applicable laws, procedures and practices relating to the conduct of Inquests of Deaths, the Minister of Justice established a Committee to propose amendments. These amendments were seen as necessary, as the current law does not comprehensively address complex events of death, particularly mass deaths from disasters, the investigation of mass graves, and deaths in custody.

Given the ICRC's multi-disciplinary expertise in forensics, legal matters, law enforcement and detention, the organisation signed a Memorandum of Understanding with the Ministry of Justice to contribute to the work of this Committee in a number of ways. As a part of its contributions, the ICRC has hired a researcher to synthesize international legislation on inquests into deaths to assist the Committee to capitalize on best practice from around the globe. The ICRC, in partnership with the Ministry of Justice, will also sponsor and facilitate a series of workshops with concerned stakeholders. The first workshop was held in Colombo on 23 September.

# EMPOWERING VULNERABLE FAMILIES TO MEET THEIR

Years after the conflict in Sri Lanka, the most vulnerable families still struggle to meet their basic economic needs for many reasons. Some have lost their breadwinner, while others have sustained life-long injuries, remain displaced or have a family member in detention. These families need support to take care of themselves and make ends meet.

One of the ICRC's programmes, implemented within its role of responding to the remaining post-conflict humanitarian needs in Sri Lanka, is the Micro Economic Initiatives (MEI) programme. It is carried out in line with the government's community empowerment programme, and aims to support vulnerable households in the north and east of the

country to build a sustainable livelihood and meet their long-term essential needs. A family member is given a cash grant and basic training (if needed) to design and implement his/her tailored 'business idea', helping them and their families to establish a sustainable source of income.

## THE WOMEN WHO BECAME BREADWINNERS



Tuan Zaharan/ICRC

Suppaiya Theivanai used her cash grant to build a network of handicraft weavers in the Iyakkachchi community of Pallai. One of the weavers, Vasunan Muththamma, explains, "There are nine of us located in different parts of the community. Suppaiya Theivanai taught us to weave. We buy our raw materials from her and she buys our products. We support each other."

**Vasunan Muththamma weaves a basket.**



M Kamil/ICRC

Since Vijitha Pavanendran's husband went missing in 2007, she has been working to provide for her three children. She opened a small grocery store in her village of Mavilankadichenai in Batticaloa, and was able to expand it with the cash grant she received. Self-sufficient, she has gone a step further and now has a small poultry farm of 10 hens and grows vegetables in her garden at home.

**Vijitha at work in her grocery store.**



# ECONOMIC NEEDS

## THOSE WHO ARE NOT HINDERED BY THEIR DISABILITY



**Vasanthamalar and her husband pack the dried fish.**

Vasanthamalar used her cash grant to establish a mobile dried fish business. Her husband helps her to package the dried fish at home, and they sell it at a stall in the Iyakkachchi market in Pallai and to small grocery stores in the area, as well as in the towns of Kilinochchi, Vavuniya, and as far as Dambulla, which is about 210km from where she lives.



**Sellaiya and his wife talk to an ICRC field officer.**

Now resettled in his home in the Iyakkachchi community of Pallai with his wife and four children, Sellaiya Suntharam opened a small grocery shop with the cash grant he received. "We're happy to be living and working in our community again," he says.

## A NEW OUTLOOK ON LIFE



**Chithravel constructing the roof of a house.**

Chithravel Jegatheeswaran (a former fighter of the LTTE) decided to follow in his parents' footsteps and start his own carpentry business when he was released from detention. He bought the tools he needed with the cash grant he received. Having learnt masonry while in rehabilitation, he combines this with his carpentry skills to carry out roofing work on houses in his community in Muthur, Trincomalee.



**Thevadasan at his fruit stall.**

Before Annavi Thevadasan opened his fruit stall in Pallai, frequented by travellers passing by on the A9 highway to Jaffna, he was displaced for 16 years. "We have resettled, and life is peaceful again," he says, adding "this fruit stall allows me to not only take care of my wife and three daughters, but also my brother-in-law's children, whose parents died in the past conflict."

# THE TASK FORCE ON LEGAL AND JUDICIAL CAUSES OF PRISON OVERCROWDING HOLDS ITS FIRST MEETING



Participants at the roundtable held earlier this year.

Authorities in Sri Lanka have identified overcrowding as a major problem affecting the country's prison system, and have expressed their determination to address the root causes of this issue.

As a result, in February this year, the Ministry of Justice, with the ICRC's support, convened a high-level roundtable on the Legal and Judicial Causes of Overcrowding in Prisons. Stakeholders who were present agreed to establish an inter-institutional Task Force (under the chairmanship of the Ministry of Justice) to address the legal and judicial causes of prison overcrowding and continue the dialogue through regular meetings and close collaboration.

After it was established, the Task Force held its first meeting in Colombo on 14 July. At the meeting, the Minister of Justice and chief guest, Dr Wijeyadasa Rajapakse, presented letters of appointment to the members of the Task Force. In his address to the gathering, Dr Rajapakse asked the Task Force to look into the new Prison Administration Bill and Prison Regulations, which are being developed to replace the existing legal regime for prison management.

The 11-member Task Force comprises a representative each from the Government Analyst Department, Department of Community Based Corrections, Department of the Legal Draftsman, Sri Lanka Police Department, Department of Prisons, Legal Aid Commission, the Judges Training Institute, and two representatives each from the Attorney General's Department and the Ministry of Justice.

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Former Secretary of Justice, Mrs Kamalini De Silva, who chaired the first meeting, acknowledged steps taken by the authorities to reduce overcrowding. She reminded the Task Force that they, as government officials who play a direct role in the criminal justice process, could address prison overcrowding by tackling the various challenges and issues present from the point of arrest to the conclusion of prosecution or discharge of the suspect. She also highlighted the importance of community based correction orders as a viable alternative to imprisonment, and emphasized the need to review and amend the Community Based Correction Act No: 46 of 1999 to make it more effective and successful.

Members of the Task Force drew on the discussion from the roundtable, revisiting the socio-economic obstacles to bail, and recognized the need to develop measures to make bail more accessible. They noted the problem of large numbers of fine defaulters adding to the prison population. The ICRC proposed a study of prison statistics to serve as a foundation to develop responsive measures to reduce overcrowding. The annual prison statistics generated by the Department of Prisons were perceived as a reliable basis for this study.

Members of the Task Force also discussed how to develop policies to address the issue of drug-dependent persons in prison, for whom rehabilitation and treatment would be more effective than incarceration.

Three subcommittees, covering law reform, community-based correction orders, and drug-related offences, were set up at the end of the meeting, to examine each area in depth and to identify the factors therein which contribute to prison overcrowding.

**Visit <https://www.icrc.org/en/document/sri-lanka-january-march-2015-newsletter> for more information on the Task Force.**



# FIRST-TIME MOOTERS TAKE ON INTERNATIONAL HUMANITARIAN LAW



The team from the Open University (left) and APIIT (right) prepare to defend and prosecute fictional characters, “Brigadier Macleod” and “Colonel Vas de Ola”, for charges of genocide, conscripting and enlisting children, attacking humanitarian workers and civilians, and destroying historic monuments and cultural property.

It was a day in court for undergraduate law students at the Henry Dunant Memorial National Moot Court Competition, held in the Senate Hall of the University of Colombo. A team from the Asia Pacific Institute of Information Technology (APIIT) competed with a team from the Open University of Sri Lanka to both prosecute and defend (in turns) fictional characters for war crimes, in the simulated setting of an International Criminal Court. This was their first encounter with mooted and international humanitarian law (IHL).

Winner of the award for best advocate, Ms Lakmali Manamperi from the Open University, explained, “Because humanitarian law is not taught in our university, this

competition opened up an avenue for us to learn the subject.”

Both teams realised how vast the body of IHL is and how challenging it is to apply it. A member of APIIT’s team, Ms Hafsa Hudha, said, “I see IHL as a living body that evolves with time and human nature. There are always counterarguments and dissenting judgments.”

The mooted experience left the teams with a deep impression of the importance of having an understanding of IHL in the face of conflict and situations of violence taking place all over the world today.

The Henry Dunant Memorial National Moot Court Competition is organized annually by

the ICRC together with the Faculty of Law of the University of Colombo.

The University of Colombo invites undergraduate law students from institutions all over the country to attend an initial workshop at which they are briefed on the competition and given the case they will fight in ‘court’. Teams then submit their written memorials and compete in the semi-final round. The two winning teams compete in the final, national competition, and the winner moves on to the regional round. This year, both APIIT, the winner of the national round, and the Open University, the runner-up, will compete in the regional round, which will be held in Pakistan in December.

## THE ICRC REOPENS ITS OFFICE IN VAVUNIYA

The reopening of the ICRC office in Vavuniya in August this year, will give the ICRC proximity to the families of missing people to address their multifaceted needs, and to vulnerable households and returnee communities to restore their livelihoods and provide access to sanitation facilities and safe drinking water.

The ICRC had closed its Vavuniya office in 2011, but continued to respond to the humanitarian needs of people affected by the past conflict from an office in the local branch of the Sri Lanka Red Cross Society.



The head of office, Mr Patrick Morin (centre), cuts the ribbon together with the administrative assistant, Mr Sivaingaran Mahendrasingam (left), and field delegate, Ms Stephanie Levy (right).



Staff at the Vavuniya office light the traditional oil lamp at the in-house opening ceremony.

# FACTOID

## ICRC ACTIVITIES: JULY-SEPTEMBER 2015

### SUPPORT TO THE SRI LANKA RED CROSS SOCIETY (SLRCS)



**95** elders received introductory first aid training and 61 volunteers were

awarded first aid instructor certificates during the commemoration of World First Aid Day.

**151** volunteers from 10 districts developed their first aid skills by attending an island-wide basic first aid exam.

**14** SLRCS branches provided first aid services at district-level events (including for pilgrims visiting places of worship).

Completed the construction of a divisional building for SLRCS' Mullaitivu branch (Puthukkudiyiruppu division).

Volunteers, the general public, government authorities and students attended nine briefing dissemination sessions (including capacity building workshops on the dissemination of humanitarian principles and values), and awareness sessions on the Red Cross and Red Crescent Movement at SLRCS branches.

### ADDRESSING THE NEEDS OF FAMILIES OF MISSING PERSONS



**14** families of the missing were individually met with and 10 focus group discussions held, completing the ICRC's

Family Needs Assessment, which was conducted island wide. In total, 395 families were interviewed individually and 17 focus group discussions were held during the assessment.

**470** families of the missing were individually met with in Anuradhapura and Mannar to follow up on their tracing enquiries. This is the first step the ICRC has taken to launch a pilot project that will address families' needs, which were identified during the assessment.

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



Nearly **515** households (women-headed, people with disabilities, released rehabilitees, and families of the missing) in the Northern and Eastern provinces received cash grants to establish or revive a livelihood activity.

More than **30** women-headed households in the Vavuniya district received livelihood support, as part of a Micro Economic Initiatives programme implemented in partnership with the SLRCS.

More than **700** people from five vulnerable communities in the Kilinochchi, Mannar and Mullaitivu districts were selected for the Community Based Livelihood Support programme.

More than **9,400** school children will benefit from the construction of 20 toilet blocks in 18 schools in the Kilinochchi, Mullaitivu, Mannar and Vavuniya districts.

**1,700** school children and 5,300 individuals in 60 communities will have access to safe drinking water from the renovation and construction of 67 wells and the repairing of 27 hand pumps in the Kilinochchi, Mullaitivu, Mannar and Vavuniya districts.



### DETAINEE WELFARE

**18** detention visits were carried out in 11 places of detention.

Nearly **215** families received a travel allowance to visit their relatives in detention.

Nearly **1,200** families exchanged news via Red Cross messages and oral messages over the phone.

More than **1,775** detainees received ad hoc assistance in the form of cleaning materials and hygiene and recreational items.

Nearly **2,200** detainees benefitted from the construction of water and sanitation facilities in the Anuradhapura and Mahara prisons.

**100** newly-recruited prison officers of the Welikada Prison participated in a briefing on ICRC activities in Sri Lanka and around the world.



### PROMOTION OF INTERNATIONAL HUMANITARIAN LAW (IHL)

**13** Army, Navy and Air Force IHL instructors participated in a five-day Advanced Training of Trainers Course at the Institute of Peace Support Operations Training Sri Lanka (IPSOTSL), Kukuleganga.

**28** Army officers following the UN Potential Observer and Staff Officer Course, participated in an IHL training at IPSOTSL, Kukuleganga.

**45** permanent staff members of the Marksmanship and Sniper Training School, Diyatalawa, received training on IHL.

More than **100** Sri Lanka Air Force personnel to be deployed to the Central African Republic attended a UN Peace Support Operations briefing at IPSOTSL, Kukuleganga.

**20** commanding and second-in-command officers following a refresher course at the Security Forces Headquarters, Wannu, participated in a training on IHL and Rules of Engagement.

Over **20** university lecturers and representatives of the Attorney General's Department, Ministry of Foreign Affairs and the Ministry of Health attended the Teacher Training Workshop on IHL, jointly organised by the Open University of Sri Lanka and the ICRC, and gained knowledge on the implementation and enforcement of IHL.