

# Families of the missing in Sri Lanka: Psychosocial considerations in transitional justice mechanisms

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## **Abstract**

*In the last thirty years, tens of thousands of Sri Lankans have experienced enforced disappearances of family members. In 2016, many members of such families came before the Consultation Task Force on Reconciliation Mechanisms, which was mandated to gather views on how people thought the transitional justice mechanisms should be designed, how they should be established and how they should function. This process allowed the families to share their experiences and to outline what they saw as important in shaping the transitional justice mechanisms. This article surveys the complex nature of their distress and psychosocial needs, as expressed by them during the consultations. It proposes that transitional justice mechanisms should be designed to protect their psychosocial well-being, address their complex psychosocial needs, and provide them with support and protection before, during and after their engagement in the mechanisms.*

**Keywords:** transitional justice, enforced disappearances, missing persons, psychosocial needs, Sri Lanka.

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Sri Lanka has a pronounced history of enforced disappearances in relation to political insurgency and violence. Whilst many hundreds of thousands of people have suffered in various ways as a result of violence and conflict in Sri Lanka in the past thirty to forty years, enforced disappearances have affected a significant proportion of different communities. Tens of thousands of people are estimated to have gone missing during the armed conflict between Tamil militants and the government of Sri Lanka, and also in relation to the southern youth insurrection.<sup>1</sup> Affected communities include those who experienced the war between 1983 and 2009 (particularly in the north and east of the country), families of servicemen missing in action, Sinhala fishermen who disappeared in waters in the north and east of Sri Lanka, disappearances attributed to the Liberation Tigers of Tamil Eelam (LTTE)<sup>2</sup> and other armed militant groups, and disappearances occurring in the context of the political violence related to the southern insurgency of 1987–91.

This article features the voices of Sri Lankan families who experienced disappearances of their loved ones, and the perspectives of local and international organizations working with those families. It is based on selected material from thousands of submissions made by families of the disappeared and others concerned with enforced disappearances to the independent Consultation Task Force on Reconciliation Mechanisms (CTF) during the government-commissioned public consultations held across the country in 2016. The consultation process is outlined below in greater detail. The article presents an outline of the complex emotional and psychosocial needs of the families and the psychosocial impacts described or stated in the submissions.

The consultations were intended to seek public opinion on how the transitional justice mechanisms should be established, and designate their function and design. Many of the families' submissions to the consultations implicitly or explicitly highlighted the need for psychosocial considerations in the transitional justice process. These considerations are presented in the article. The

1 In the absence of rigorous investigation, the exact number of enforced disappearances is not known. According to the Centre for Policy Alternatives (CPA), a total of 43,381 cases were reported to former commissions of inquiry in the late 1990s. A more recent commission of inquiry established in 2013 received around "18,099 civilian complaints and over 5000 cases of missing armed personnel": see CPA, *Certificates of Absence: A Practical Step to Address Challenges Faced by the Families of the Disappeared in Sri Lanka*, Discussion Paper, Colombo, 2015, p. 4.

2 The LTTE was the dominant militant group that emerged as the self-proclaimed representative of the aggrieved Tamil communities in Sri Lanka to fight a three-decade conflict with the government of Sri Lanka. Human Rights Watch (HRW) reports that a number of abductions and enforced disappearances were carried out by the LTTE, though the numbers are lower than those carried out by the State. The LTTE has also been implicated in the abduction of Sinhalese fishermen in the north and east coastal regions, and also of thousands of armed services personnel. See HRW, *Recurring Nightmare: State Responsibility for "Disappearances" and Abductions in Sri Lanka*, Human Rights Watch Series, Vol. 20, No. 2(C), 2008, p. 6.

authors emphasize the need to design psychosocially sensitive transitional justice mechanisms. The article concludes with a summary of findings on establishing psychosocially sensitive transitional justice mechanisms for the families of the disappeared, and highlights the main recommendations for psychosocial consideration from the CTF report.

## Public consultations of the Consultation Task Force on Reconciliation Mechanisms

*Over the past two decades, Sri Lanka has seen thousands of women and men come forward to participate in diverse commissions and State-run inquiries into violence associated with political and armed conflicts. For many, speaking before and participating in these processes has been both emotionally difficult and personally risky, but their motivation to seek truth and justice has overridden such concerns. The forthcoming reconciliation mechanisms will be no exception.*

Group of independent psychosocial practitioners, psychosocial sectoral consultation, Colombo<sup>3</sup>

In September 2015 the Sri Lankan government proposed the establishment of four transitional justice mechanisms at the 30th Session of the UN Human Rights Council, which were incorporated into a resolution on Sri Lanka.<sup>4</sup> The mechanisms included an Office on Missing Persons, an Office on Reparations, a Truth, Justice, Reconciliation and Non-Recurrence Commission, and a judicial mechanism comprising a Special Court and an Office of the Special Counsel. They were intended to address the legacy of human rights violations and atrocities that took place during the protracted conflict between 1983 and 2009. The CTF was established in late January 2016 and is comprised of eleven persons drawn from civil society and appointed by the prime minister of Sri Lanka.<sup>5</sup> The members of the CTF were tasked with carrying out public consultations to gather views of people from all districts in the country on how these mechanisms should be designed and established and how they should function. It was decided that the scope of the consultations would be expanded to include the armed

3 The psychosocial sectoral consultation was held on 13 August 2018 at the Sri Lankan Foundation Institute, where psychosocial practitioners and representatives of psychosocial organizations and groups were invited to make submissions to the CTF. All quotes in this article are directly taken from the content of submissions made to the CTF during the public consultations held between April and September 2016. Relevant quotes were translated from Sinhala or Tamil into English by members of the research team at the time of report-writing; submissions made in English did not require translation.

4 See UN Human Rights Council, 30th Session, Agenda Item 2, UN Doc. A/HRC/30/L.29, 29 September 2015.

5 For further information on the mandate of the CTF and an outline of its work, see [www.scrmm.gov.lk/consultations](http://www.scrmm.gov.lk/consultations) (all internet references were accessed in September 2018). For the Final Report of the CTF, see CTF, *Final Report of the Consultation Task Force on Reconciliation Mechanisms*, 2 vols, 17 November 2016 (CTF Final Report), available at: <http://war-victims-map.org/onsultation-task-force-on-reconciliation-mechanisms-final-report-volumes-i-and-ii/>.

insurrection of the south, as well as incidents of political and ethnic violence. Geographical units for consultations were identified as fifteen zones comprising the eight districts of the Northern and Eastern Provinces and the seven provinces of the rest of the country. Consultations at the zonal levels were carried out by Zonal Task Force (ZTF) members identified and recruited by the CTF.

The call for submissions<sup>6</sup> on 5 April 2016 invited members of the public, organizations, trade unions and political parties, as well as any other interested persons or groups to send in written submissions through the post, via the website of the Secretariat for Coordinating Reconciliation Mechanisms, and by hand delivery. The first call for written submissions was made in April 2016 and the deadline was extended several times, up to mid-September 2016. In addition, the CTF organized public hearings where any member of the public could register and make a statement to the ZTF. The public consultations took place over two or three days in each zone. All participants who wished to make a submission were given a hearing at the public consultations meetings.

The CTF also held sectoral consultations, at the national level, with vital groups, organizations and stakeholders, where representatives and practitioners could make submissions relevant to that sector. Where some issues were seen as vital for the respective zone and comprised sensitive issues that people may have found it difficult to present publicly, ZTFs were encouraged to conduct focus group discussions (FGDs). Finally, a small number of individual interviews on extremely sensitive experiences were carried out where requested, but this was not a widely used consultation method. The CTF conducted a sectoral consultation on families of the missing and disappeared on 5 July 2016 in order to interact directly with key affected groups.

The CTF engaged in a number of awareness-raising activities to ensure that the public was aware of the consultations and that information on the date, time and place for public consultations was locally known. Towards this end, the CTF issued public information material on the public consultations in all three official languages of Sri Lanka – Sinhala, Tamil and English – to be distributed in each zone, and utilized social media platforms to share the material and update the public on the status of the consultations. The consultations were held in July and August 2016; the FGDs were also held during this period. The Final Report, with a set of recommendations by the CTF, was completed in November 2016 and submitted to the government in early January 2017.<sup>7</sup> With the handover of the report, the CTF and ZTF mandate and tasks were concluded.

The submissions were comprised of written documents (personal statements, letters, and reports), transcripts of oral submissions made to the ZTF (all of which were recorded), and accompanying notes by trained note-takers, as well as notes taken during FGDs which were not recorded. Both written and oral

6 See CTF, “Press Statement: Call for Submissions”, 5 April 2016, available at: <https://tinyurl.com/y9p4w2el>.

7 CTF Final Report, above note 5.

submissions were received in Sinhala, Tamil and English. All submissions were read by at least one member of the research team in their original language, coded according to key issues,<sup>8</sup> and translated into English by the same team member for use by the broader team. The submissions were then analyzed in relation to each proposed mechanism, as well as for psychosocial issues, security and risk concerns, and governance or institutional reforms. These analyses were used in the preparation of the CTF Final Report. A total of 7,306 submissions were received by the CTF during the consultations process, comprising 1,048 written submissions, 4,872 oral submissions at the public consultations<sup>9</sup> and 1,386 submissions at FGDs.<sup>10</sup>

For this article, the authors considered the submissions used for the CTF Final Report and analyzed them for content relevant to psychosocial needs, issues and considerations in the transitional justice process for families of the disappeared. It was decided at the time of writing the Final Report that all submissions would be anonymized when used in the Report.<sup>11</sup> There were two main reasons for this. Firstly, it was done to ensure the safety and security of those who made submissions in the prevailing precarious security situation. A number of security incidents were reported during the consultations process, and there were reports of family members of the disappeared and witnesses to the incidents being threatened, harassed and intimidated. Secondly, some participants also requested confidentiality.

The decision to anonymize sources in the Final Report was also extended to organizations. The reasons for this were that those organizations working with families of the disappeared were few and well-known within their contexts, as were their representatives and staff. If organizations were mentioned by name, the individuals concerned could not be guaranteed protection. The CTF also believed that, in the highly politicized and polarized context of reconciliation and transitional justice issues, naming organizations tended to detract from the key messages presented by each organization.

Towards the end of the consultations process in November 2016, the CTF decided to archive the submissions both for reasons of posterity and to enable reconciliation mechanisms and other institutions to provide further assistance to affected persons. The archiving process began in February 2017 and was

8 The content was coded for mandate, membership of the commission, composition, staffing, powers, structures, functions, principles of operation, enabling conditions required for legislative measures, gendered aspects, relationship with other measures, relationship with other state agencies, international involvement, people's opinions and desired outcomes, and psychosocial and protection concerns.

9 There was a written record of participants in all zones except for Jaffna and the North Central Province. "The highest numbers of submissions were made at the consultations in Batticaloa, Ampara and the Southern Province respectively, averaging in excess of 500 in each zone. Consultations in the North Western and Western Provinces recorded the lowest number of submissions – below 250." *Ibid.*, Vol. 1, p. viii.

10 *Ibid.*, Vol. 1, pp. 22–28.

11 For this reason, the present authors, one of whom is a CTF member and the other a senior researcher for the team, have decided to abide by the CTF's rationale of anonymization and have not disclosed the names of individuals and organizations in this article.

completed in July 2018. The set of archives, in redacted form with identifying markers removed, is expected to be available to the public shortly.<sup>12</sup>

## **Psychosocial issues experienced by families affected by disappearances**

The term “psychosocial” refers to the perspectives, issues, impacts and considerations that relate to emotional, psychological, mental, social-relational and political processes and states at individual, family and community levels.<sup>13</sup> This definition draws on a broad understanding of the term as encompassing human capacity and resilience and acknowledging the role played by culture and society, material well-being and politics in the psychosocial state of a person, family and/or community.

The psychosocial impacts on victims and survivors of participating in transitional justice mechanisms have been explored in some detail in other post-conflict societies where attempts have been made to address past abuses, human rights violations and other atrocities.<sup>14</sup> Starting from recognition of the traumatizing impacts of retelling experiences of life-threatening and other distressing events, the understanding of adverse psychosocial consequences to

- 12 As of September 2018, all submissions to the CTF have been archived, although arrangements to enable public access are still under way. It is intended that two collections, one permanently closed and the other a redacted publicly accessible collection, will be located at the Department of National Archives in Sri Lanka. A redacted digitalized version will be shared with selected partners for easier public access and utilization as a reference in the reconciliation process. More information will be available in the near future at [www.ctfarchive.org](http://www.ctfarchive.org). Please contact Nigel Nugawela, Archiving Officer and Research Coordinator, at [nigelvnugawela@gmail.com](mailto:nigelvnugawela@gmail.com) to find out more about the digitalization process and accessing the archives. The archived submissions were categorized differently to the data storage systems used for the report, and therefore the two reference systems between the report and the archives do not tally with one another. Please contact the authors at [gameela2010@gmail.com](mailto:gameela2010@gmail.com) to identify specific quotations from the article.
- 13 Maleeka Salih and Gameela Samarasinghe, *Localizing Transitional Justice in the Context of Psychosocial Work in Sri Lanka*, Social Policy and Analysis Research Centre (SPARC), University of Colombo, 2006; Psychosocial Working Group, *Psychosocial Intervention in Complex Emergencies: A Conceptual Framework*, Working Paper, October 2003, available at: <https://tinyurl.com/y7fjtzor>. See also Ananda Galappatti, “What Is a Psychosocial Intervention? Mapping the Field in Sri Lanka”, *Intervention: International Journal of Mental Health, Psychosocial Work and Counselling in Areas of Armed Conflict*, Vol. 1, No. 2, 2003; Psychosocial Assessment of Development and Humanitarian Intervention, *A Tool, a Guide and a Framework: Introduction to a Psychosocial Approach to Development*, SPARC, University of Colombo, 2009.
- 14 See Brandon Hamber, *Transforming Societies after Political Violence: Truth, Reconciliation, and Mental Health*, Springer Science and Business Media, New York, 2009, pp. 65–70, 89–93. See also M. Salih and G. Samarasinghe, above note 13, where the authors’ monograph describes how participating in transitional justice mechanisms could lead to more pronounced or complex psychological difficulties for survivors and victims of violence. For example, accepting reparative measures on behalf of the disappeared requires also declaring or accepting the missing person as dead, which may cause crippling guilt and despair for the family members. Furthermore, retelling the story – perhaps after many years of having gained some distance to the experience and coping with it – may cause people to remember, re-experience and become re-traumatized by the distressing details. Similarly, sharing personal details of the violence experienced as part of testimony may result in public humiliation and/or being ostracized or stigmatized by those who find out about it (for instance, in the case of sexual violence).

transitional justice participation has grown to include the impacts of social isolation and stigmatization. In addition, the perceived security risks entailed in naming perpetrators could possibly further exacerbate the psychological vulnerabilities of affected persons and families.

The submissions received during the public consultations in Sri Lanka highlight similar mental health and psychosocial issues for families in the aftermath of enforced disappearance. The following sections describe the severe impacts of the event on the mental and emotional states of the families, the consequent feelings of loss, and the subsequent stigmatization and marginalization, as well as the continued harassment and exploitation, especially of female family members of the disappeared. The families' distress and grief are compounded by not knowing what has happened to their disappeared loved ones. A number of expert submissions warned of the anticipated emotional tensions associated with investigations and exhumations.

### Impact on families' mental and emotional states

During the 2016 public consultations conducted by the CTF, families of the disappeared were the most present of any of the affected groups. They spoke emotionally about family members who had gone missing, showing their photographs and newspaper clippings about the disappearances. They expressed their deep desire and yearning to find their loved ones or to know what happened to them.<sup>15</sup> They also shared their struggles in searching for their relatives and talked about the intimidation and humiliation they have had to endure in the process. They often spoke about the consequences of the enforced disappearance, such as the financial and emotional costs of the search, the subsequent economic difficulties of raising children as single parents or of not having adult children who could support parents in their old age, and the spread of suspicion and division amongst communities as a result of disappearances.<sup>16</sup>

When describing the impact of these experiences on their mental and emotional states, respondents spoke about intense suffering, pain, grief, anger, frustration and fear. Participants expressed the agony of losing family members to violent deaths and enforced disappearances, the horrors of seeing dead bodies and heavily injured people following bombings and massacres, the

15 As described by the participants during the consultations, families of the disappeared live in a psychologically unsettled state, unable to gain closure as a result of not knowing the fate of their loved ones. See also Eric Stover, William D. Haglund and Margaret Samuels, "Exhumations of Mass Graves in Iraq: Considerations for Forensic Investigations, Humanitarian Needs, and the Demands of Justice", *Journal of the American Medical Association*, Vol. 290, No. 5, 2003; Mary Ellen Keough, Tal Simmons and Margaret Samuels, "Missing Persons in Post-Conflict Settings: Best Practices for Integrating Psychosocial and Scientific Approaches", *Journal of the Royal Society for the Promotion of Health*, Vol. 124, No. 6, 2004; Margriet Blaauw, "'Denial and Silence' or 'Acknowledgment and Disclosure'", *International Review of the Red Cross*, Vol. 84, No. 848, 2002.

16 For more detailed descriptions of the psychosocial impacts on families of the disappeared, see CTF, above note 5, Vol. 1, Chaps IV, VII.

sorrow of lost educational opportunities for their children, and the fear and shame that follows traumatic experiences. Frequent references to “mental scars”, “scars in the mind”, “psychological harm”, “immense suffering” and “trauma”, and to being deeply emotionally and mentally affected, are found in the oral and written submissions to the CTF. Suffering was articulated not only in terms of war-related violence but also in relation to experiences of structural violence and the marginalization of certain communities based on socio-economic class, race or ethnicity.<sup>17</sup>

In many cases, including for families of the disappeared, the traumas and losses were not singular. Rather, suffering was cumulatively brought about and compounded by several violent events and experiences, such as enforced disappearances, displacement, forced child recruitment, bombings, massacres, and/or other atrocious acts of terror and violence. These experiences were then compounded by further acts of violence, subsequent loss of income, participants’ struggle to take care of and to educate their children, and the marginalization and stigmatization stemming from their status in society, as well as the increased vulnerability and resultant stresses that accompany these situations.

*After they shot my younger brother, when my husband went to buy a wreath, he was beaten so we did not go to collect the body. They took the body by tractor and buried the body. We stood by the roadside and cried. My mother is mentally ill and does not go anywhere now.*

Woman, FGD on disappearances, Mannar

Many families referred to the structural, economic and social conditions that contribute to the entrenchment and continuation of their distress and suffering.<sup>18</sup> Notably, decades of armed conflict and violence have also impacted severely on the social fabric of community life and have damaged relationships within and across communities.

*The conflict has left not only individuals but also families, communities and the nation as a whole with deep psychological and social scars, which have left a legacy of mutual mistrust, hostility, and have damaged the social fabric in ways that are not easily repaired.*

Non-governmental organization, written submission, Colombo

17 For example, participants referred to the disenfranchisement and marginalization of the indigenous communities who were the original inhabitants prior to the arrival of the Sinhalese in Sri Lanka, and to the marginalization of the Hill Country Tamils, who are descendants of Indian labour migrants brought to the plantations during the British colonial period. Suffering was also associated with violations of socio-economic rights, including through land grabs, forcible relocations due to development and other projects, and the issue of the right to use forests and other natural resources.

18 These include living in poverty, struggling to educate children, coping with inadequate food, water, health care and housing, and suffering impacts from the loss of land and other assets, both private and communal.



## Social stigmatization and marginalization as a cause of further distress and vulnerability

Many respondents stressed the difficulties they experienced as a result of social stigma and marginalization when widowed, disabled and/or displaced.<sup>19</sup> Acknowledging the problem of stigmatization, respondents stated baldly:

*Find my husband for me. He was abducted and disappeared five years ago. We have five daughters and everybody is looking in a derogatory manner at us.*

Woman, FGD on disappearances, Ampara

*It will be important to ensure that the participants who choose to take part in the process are not stigmatized further. For example, wives of missing persons can be seen as bringing bad luck.*

Non-governmental organization, written submission, Batticaloa

Some spoke about living in fear and shame and of being “marked” as a result of their identity and past experience. Submissions from some displaced persons, widows, wives of those who have been disappeared, ex-combatants, disabled people, and child soldiers shared similar concerns.

## Continued harassment and exploitation, especially of female family members of the disappeared

Women who were widowed, or whose husbands had disappeared or were missing, spoke bitterly and anxiously about continued harassment and intimidation, including sexual exploitation and abuse by members of their communities as well as by State service providers and security personnel. The violence that they had experienced appears to have heightened their vulnerability.

*If we go to the police station, they ask me to come alone later and meet them alone. They say, “Your husband is there, come without anyone knowing.” Tell me, can I go?*

Woman, FGD on disappearances, Ampara

## Not knowing what happened to their loved ones became an ongoing source of pain and grief to families

For many of those who made submissions, the key issue was their inability to know what had happened to family members who had disappeared and the subsequent

19 For similar experiences of stigmatization and loss of status for widows and women whose spouses have been disappeared, see Simon Robins, “Towards a Victim-Centred Transitional Justice: Understanding the Needs of Families of the Disappeared in Post-Conflict Nepal”, *International Journal of Transitional Justice*, Vol. 5, No. 1, 2011; Sasanka Perera, *Stories of Survivors: Socio-political Contexts of Female-Headed Households in Post-Terror Southern Sri Lanka*, Vol. 1, Women’s Education and Research Centre (WERC), Colombo, 1999; Selvy Thiruchandran, *The Other Victims of War: Emergence of Female Headed Households in Eastern Sri Lanka*, Vol. 2, WERC, Colombo, 1999.

dismissive, hostile and sometimes callous and cruel responses they had encountered from the State and State officials while searching for them. At public meetings and FGDs, families of the disappeared came in their hundreds from all over the country, as they wanted to know the fate of the missing members of their family. Their pain was evident in their submissions and was also expressed during the consultations.

*The tears we cried, we added them to the great ocean and made up our minds [to move on].*

Sinhalese wife of missing fisherman, FGD on missing persons, Trincomalee

*My sister's son went missing in 2007. The CID [Criminal Investigation Department] questioned him before he was abducted. Since her son went missing my sister did not eat properly and is unable to talk properly. I am the one who speaks on her behalf. If you can find whether our child is still there, that is enough. We give food for the orphanage on his birthday but we cannot give alms. Find her son for her.*

Relative of disappeared person, FGD in Colombo

*When you see us, you see us as people who are going about life, but we are living with extreme pain in our hearts, unable to cry in front of our children. We cry when we walk on the street.*

Tamil wife of surrendee, FGD on surrendeess, Mullaitivu

*There was war here since 1983. We lived in many refugee camps. Those were sad days in our lives. When we came back our houses were destroyed. So we collected what we [could] out of it and were living [there] when my husband went missing. In 1991 my husband, who was a fisherman, went missing while fishing. Forty-seven people from seven boats went missing on the same day, same time. Some were found, some were missing. The government said that these fisherman are not coming back, that they were caught by terrorism [i.e., by the LTTE].*

(Sinhalese woman, FGD on missing persons, Trincomalee)

Consultations and submissions identified the complex emotions and unanswered questions evoked by the issue of death certificates, and many emphasized that obtaining such a certificate was not an option for most of them:

*We asked, "Why should we take the death certificate? If so, show his body to us? Who killed my brother? Show them to us? Then we will decide about the death certificate." For that, they said, "The Navy will also come." I said, "Let them come and I will answer them." The CID only abducted him. He had done no wrong. If he had, then question him and punish him. Show us where our brother is. Our father died thinking of him. Mother has become sickly. Find our brother for us.*

Tamil woman, FGD on disappearances, Colombo

When asked what should be done for families of the disappeared who must have undergone a lot of difficulty, one of the participants responded:

*Firstly, you have to help them rebuild their minds. When we first came to Father X,<sup>20</sup> we came crying like mad people.*

Relative of missing person, FGD on missing persons, Central Province

During their submissions both at the public meetings and in the written record, a wide range of powerful emotions were observed on the part of those presenting their experiences of enforced disappearances, including anger and outrage, deep pain, scepticism, fear and despair, but also, overwhelmingly, enduring hope. They hoped, in spite of the repeated disappointments and frustrations they had experienced through the non-implementation of recommendations of past commissions,<sup>21</sup> that this time their voices and experiences would be heard and acknowledged and their views taken into consideration. Most strikingly, many hoped that such responses could lead to finally learning the truth about what had happened to their loved ones.<sup>22</sup> Such expectations and hope were strengthened during the course of the consultations when the government enacted the legislation for the establishment of an Office on Missing Persons (OMP).<sup>23</sup> The OMP was established and members appointed to the Office in March 2018. One of its first tasks has been to carry out regional consultative and awareness-raising activities in the different districts of Sri Lanka.

20 Father X's name has been anonymized to protect his identity.

21 Sri Lanka has a history of past commissions set up to investigate and report on various violent events, including specific ones on disappearances: the Special Presidential Commissions of Inquiry into Disappearances in three different geographical areas set up in 1994; the All Island Presidential Commission on Disappearances, which functioned from 1998 to 2000; and the Presidential Commission to Investigate into Complaints regarding Missing Persons, established in 2013.

The recommendations from these commissions have been implemented in a very limited manner, if at all. For further information, see M. C. M Iqbal, "Disappearances Commissions of Sri Lanka: A Commentary on Certain Aspects of Their Reports", *Voice*, October 2002; Amnesty International, *Twenty Years of Make Believe: Sri Lanka's Commissions of Inquiry*, London, 2009; Romesh Silva, Britto Fernando and Vasuki Nesiya, *Clarifying the Past and Commemorating Sri Lanka's Disappeared: A Descriptive Analysis of Enforced Disappearances Documented by Families of the Disappeared*, Families of the Disappeared, Human Rights Data Analysis Group, Benetech, and International Center for Transitional Justice, Colombo, 2007.

22 Such strong yearning for the truth regarding the fate of loved ones has also been noted in the Latin American context, where "survivors most often give precedence to the need for truth, social and psychological rehabilitation and acknowledgement before the need for compensation". See B. Hamber, above note 14, p. 49; see also David Mendeloff, "Trauma and Vengeance: Assessing the Psychological and Emotional Effects of Post-Conflict Justice", *Human Rights Quarterly*, Vol. 31, No. 3, 2009, with regard to victims' and survivors' preference for truth-seeking mechanisms and their belief that the truth will relieve their psychological and emotional suffering.

23 The new legislation, entitled the Office on Missing Persons (Establishment, Administration and Discharge of Functions) Act, No 14 of 2016, called for the establishment of the OMP and was seen as a response to the stated distress of people affected by enforced disappearances. However, the legislation itself and the nature of its passage through Parliament was criticized heavily because many of the recommendations made by those affected and collected during the consultations were not included in the Act, thereby undermining confidence in the initiative. See CTF, *The Office on Missing Persons Bill and Issues Concerning the Missing, the Disappeared and the Surrendered*, Interim Report, August 2016, available at: <http://groundviews.org/wp-content/uploads/2016/08/CTF-Interim-Report.pdf>; Amnesty International, "Only Justice can Heal Our Wounds": *Listening to the Demands of the Families of the Disappeared in Sri Lanka*, Amnesty International, London, 2017, p. 8.

## Emotional tensions related to investigations and exhumations

A number of submissions to the CTF included considerations of psychosocial impacts on the well-being of families of the disappeared. These were especially relevant during forensic investigations as the families learned about the findings.

*The families may also need to come to grips with a complicated forensic investigative process, attempting to accrue evidence and establish accountability for the cause and manner of death of the victims. This type of investigation is often a slow and very lengthy process; although it may also strive to provide victim identification for those of the missing who are deceased and return their mortal remains to their families, the primary goal of the investigators is usually criminal prosecution. This, and many other factors, may result in the delay of the humanitarian goal of identification.*

Non-governmental organization, written submission, Colombo

*Sadly, insufficient recognition of the importance of ensuring proper management of the dead and of caring for the needs of the bereaved, coupled with the frequent collapse of forensic services in the aftermath of catastrophes, contributes to perpetuating the tragedy and trauma suffered by survivors forever unable properly to bury and mourn their dead.*

Individual practitioner, professional organizations sectoral consultation,  
Colombo

Many submissions to the CTF on this topic commented that the OMP must place psychosocial considerations at the centre of the process of preparation of families of the disappeared before any investigation takes place. They proposed that this can be done by maintaining communication with participants and accompanying them through this tedious and emotionally tense process.

*Depending on how they [investigations] are conducted, they can either provoke a re-victimization of the family members or they can have a reparatory effect. In some contexts, psychosocial work has minimized the negative impacts of the forensic process and fostered its reparatory nature. It is, therefore, essential that States work together with society, on the basis of the family's demands and needs, with a cross-cutting psychosocial perspective.*

Organization that works with families of the disappeared, written submission,  
Colombo

*Staff developed a community-based education programme designed to inform families of the expectations and limitations of the forensic and victim recovery process. There is an evident need to prepare to support people for failure of search, investigation and justice processes.*

Organization that works with families of the disappeared, written submission,  
Colombo

These statements pointed to the fact that in the event that the details of the loss remain ambiguous even after the OMP intervenes, it is important that the family is given psychosocial support to manage the emotional and social implications of this, so that they can continue living their lives as effectively as possible. One submission from a joint group of individuals and organizations working with families of the disappeared and missing also cautioned about the potential psychological consequences on victims that insensitive reportage can cause. For example, the statement notes how

*speculative pronouncements on the fate of victims, especially in relation to the families of the missing, can crush their hopes or revive great expectations without a solid basis.*

Group of independent psychosocial practitioners, written submission, psychosocial sectoral consultation, Colombo

Similar concerns have been noted in other contexts. Some of the practices for integrating psychosocial approaches within forensic investigations have been employed by the initiatives in Bosnia and Herzegovina and Kosovo.<sup>24</sup> Indeed, it has been argued that the lengthy, complicated and uncertain nature of forensic investigations can be distressing for families of the disappeared, and some make the case for a cooperative approach both for forensic investigations aimed at criminal prosecution and those aimed at fulfilling the families' right to know what has happened to their loved ones.<sup>25</sup> This view has been supported by a number of those working with families of the disappeared, particularly in the context of exhumations.<sup>26</sup>

## **Designing psychosocially sensitive transitional justice mechanisms**

*What needs to be stressed is that such a design includes due consideration for the psychological processes that promote individual, family and social healing, recovery and integration. It is important that programmes take into account the wishes of the local population concerned, that they are given active and deciding roles rather than dependent, "victim" roles, to promote full participation and thus their eventual psychological recovery. Emergent self-help groups and local leadership should be encouraged to resume traditional and habitual patterns of behaviour, and re-establish social networks and community functioning at the grass-roots level. Local skills and resources must be utilized so the community gains a sense of accomplishment and fulfilment in the recovery process.*

24 M. E. Keough, T. Simmons and M. Samuels, above note 15, p. 275.

25 Monique Crettol and Anne-Marie La Rosa, "The Missing and Transitional Justice: The Right to Know and the Fight against Impunity", *International Review of the Red Cross*, Vol. 88, No. 862, 2006.

26 Vasuki Nesiiah, "Overcoming Tensions between Family and Judicial Approaches", *International Review of the Red Cross*, Vol. 84, No. 848, 2002.

Individual practitioner, written submission, psychosocial sectoral consultation, Colombo

The broad understanding of psychosocial issues and impacts leads to a wide range of psychosocial interventions, mainly conceptualized and implemented as activities that promote and protect the psychosocial well-being of affected people. These may include counselling, safe social spaces, accompaniment, protecting informed consent, and promoting agency and control over processes by sharing information and advocating for victim and survivor participation and engagement. Similarly, interventions that have an impact on the psychosocial well-being of affected persons – for example, by providing relief from the worry and stress brought about by economic or material needs – are also recognized to be psychosocially beneficial, even though they are not psychosocial interventions *per se*.<sup>27</sup> There has also been some evidence of the cathartic and healing impacts for victims brought about by their forgiveness towards truly remorseful and regretful perpetrators of violence.<sup>28</sup>

The importance of considering psychosocial issues in transitional justice mechanisms has been raised by victims, survivors and practitioners who work closely with them.

The need for a broad response that meets complex psychosocial needs

Many of the oral and written submissions referred to the resilience and strength shown by individuals, families and communities in the face of severe threat, violence and disruptions to life. In order to cope with their difficulties and continue with their lives, people reported having drawn on available internal resources such as their emotions of hope, determination and even anger; personal support networks comprising members of other families of the disappeared, as well as activists and personnel from organizations working on behalf of the disappeared; religious faith; love for their children; ideological frameworks; their principles and values; and kindness and help from others. Care must be taken not to undermine the coping mechanisms and resilience of affected families without putting in place appropriate alternative support as needed.

A few of the submissions made the case that all members of some specific groups, if not all people of Sri Lanka, have been psychosocially affected by the events and consequences of the past decades, though perhaps not to the same degree. The

27 Others have argued that having an explicit psychosocial purpose makes an intervention psychosocial regardless of its content and form. For a discussion on this, see A. Galappatti, above note 13.

28 Holly Guthrey investigates the potential for healing through commissions for truth and reconciliation and notes the influence of apology and other expectations on positive outcomes for these initiatives: see Holly L. Guthrey, *Victim Healing and Truth Commissions: Transforming Pain through Voice in Solomon Islands and Timor-Leste*, Springer, Cham, 2015, pp. 85, 161–169. See also Patrick Kanyangara, Bernard Rime, Dario Paez and Vincent Yzerbyt, “Trust, Individual Guilt, Collective Guilt and Dispositions toward Reconciliation among Rwandan Survivors and Prisoners Before and After Their Participation in Postgenocide Gacaca Courts in Rwanda”, *Journal of Social and Political Psychology*, Vol. 2, No. 1, 2014: basing their approach on the needs-based model of reconciliation, these authors’ investigation of post-participation shows an increase in negative emotions where perpetrators’ apologies were seen as insincere.

submissions suggest that everybody needs some form of healing from the past, and the opportunity to develop a different mentality.

*We feel it is important to have a process for healing of memories for everyone – not just trauma counselling. Trauma counselling is thinking of those who are affected. This is important for the entire nation, not just those directly affected when we look at things in our day-to-day life.*

Non-governmental organization, psychosocial sectoral consultation, Colombo

Several of the submissions called for psychosocial support for those who are suffering due to their experiences of the conflict and violence with the aim of mitigating against potential harmful psychosocial impacts of participation in the transitional justice process.<sup>29</sup> These include impacts such as re-traumatization resulting from the retelling of their stories, distress as a result of community reactions (such as suspicion, stigmatization or humiliation) if their stories become public, and fear and anxiety because of heightened security risks that may come from naming perpetrators or bearing witness. The submissions emphasized the need for provision of psychosocial support and the importance of psychosocially sensitive transitional justice mechanisms in order to protect and promote the psychosocial well-being of those who engage in the transitional justice process.

The importance of considering the psychosocial needs of children, women and men in each mechanism and in the process of seeking transitional justice was highlighted in various submissions. Some of these submissions acknowledged that the vast majority of those using the mechanisms, especially the OMP, are likely to be women. As indicated above, respondents also acknowledged that the war has burdened women disproportionately with economic, social and psychological consequences as they attempt to rebuild their own and their children's lives.

*Women are victims of all forms of violence and crimes, not solely sexual violence. Overemphasizing wartime sexual violence risks ignoring that women suffered mass atrocities (such as arbitrary execution and mass killings, detention and torture, disappearance, eviction, denial of medical treatment for war injury, starvation) apart from rape.*

Organization working with women, written submission, Batticaloa

29 These concerns have also been noted in other contexts where individuals and families have experienced adverse psychosocial impacts from participating in transitional justice mechanisms. See for example, Yazir Henri, "Reconciling Reconciliation: A Personal and Public Journey of Testifying Before the South African Truth and Reconciliation Commission", in Paul Greedy (ed.), *Political Transition: Politics and Cultures*, Pluto Press, London, 2003; Karen Bronéus, "The Trauma of Truth Telling: Effects of Witnessing in the Rwandan Gacaca Courts on Psychological Health", *Journal of Conflict Resolution*, Vol. 54, No. 3, 2010; Catherine C. Byrne, "Benefit or Burden: Victims' Reflections on TRC Participation", *Peace and Conflict: Journal of Peace Psychology*, Vol. 10, No. 3, 2004. However, David Mendeloff, on review of the available literature, has concluded that evidence for the harm caused by participation in transitional justice mechanisms is mixed and inconclusive: see D. Mendeloff, above note 22. Jamie O'Connell notes the lack of research on the psychological effects of participating in trials of human rights violations and makes the case for greater examination in this area: see Jamie O'Connell, "Gambling with the Psyche: Does Prosecuting Human Rights Violators Console their Victims", *Harvard International Law Journal*, Vol. 46, No. 2, 2005, p. 340.

Many submissions emphasized the importance of preventing re-traumatization through repeated retelling of personal experiences.<sup>30</sup> This is one of the factors indicating the importance of designing transitional justice mechanisms that are supportive of the psychosocial needs of participants. At the same time, it seems that only a small percentage of those affected and accessing the mechanisms will need medical, psychiatric or psychological treatment, as noted in some of the submissions. The affected persons are not necessarily “traumatized” as in the clinical diagnosis for trauma, though they may be suffering and grieving. Many of them have coped for years by finding strength and resilience in their community.<sup>31</sup> It is necessary not to pathologize their issues but rather to ensure that their problems are redressed and their resilience and support mechanisms are not undermined.

*For reconciliation, it is necessary to think in a broader way, not focusing essentially on problems. [We must] not normalize problems [i.e., make people realize that psychosocial problems are normal reactions to grief and stress].*

Individual practitioner, psychosocial sectoral consultation, Colombo

The submissions outlined different stages of the process where psychosocial considerations could be protective of participants’ well-being. This includes the stages between the consultations process and the operationalization of mechanisms. Realistically, there will be a period of time that people will have to wait until their grievances are addressed. A few submissions noted that an unduly long time lag as well as silences about the progress of the mechanisms can only increase the disillusionment and sense of hopelessness and betrayal that many of those making submissions have stated they feel.

*I can’t take it anymore. I don’t know how much this will be dragged on.*

Tamil mother at Public Meeting, Mullaitivu

Some of the specific measures emphasized in the submissions were the establishment of psychosocial services and units within each mechanism and the creation of a psychosocial institute or authority for setting of standards of services, ensuring psychosocial sensitivity in design of mechanisms.

The activities noted in the submissions included the provision of counselling services and psychosocial rehabilitation services to those who are identified to be in need of such services or who would like to be referred to them. The training and capacity-building of staff was mentioned as it was deemed important that all psychosocial service providers become familiar with common

30 For example, see Victoria Sanford, “‘What is Written in Our Hearts’: Memory, Justice and the Healing of Fragmented Communities”, in Paul Gready (ed.), *Political Transition: Politics and Cultures*, Pluto Press, London, 2003; M. Brinton Lykes, Martin Terre de Blanche and Brandon Hamber, “Narrating Survival and Change in Guatemala and South Africa: The Politics of Representation and a Liberatory Community Psychology”, *American Journal of Community Psychology*, Vol. 31, No. 1/2, 2003.

31 A similar consideration about recognizing the resilience of individuals and communities was proposed in Eric Weibelhaus-Brahm, “After Shocks: Exploring the Relationships between Transitional Justice and Resilience in Post-Conflict Societies”, in Roger Duthie and Paul Seils (eds), *Justice Mosaics: How Context Shapes Transitional Justice in Fractured Societies*, International Center for Transitional Justice, New York, 2017.



psychosocial issues resulting from the transitional justice mechanisms. Participants also identified the need to work on reducing stigmatization and marginalization of some groups. A key suggestion was to build on the existing cultural and social resources that people use for their psychosocial well-being.<sup>32</sup>

### Continuation of psychosocial support following engagement in the transitional justice mechanism

*I feel that if you are looking at it from a long-term perspective, and certainly you have to for these kinds of mental health issues, you cannot take a short-term approach to it.*

Organizational representative, psychosocial sectoral consultation, Colombo

Many submissions noted that those affected by war and violence will continue to need psychosocial support services post-transitional justice and recommended that such services be made both available and sustainable.<sup>33</sup> Additionally, they recognized that reconciliation and transitional justice processes are prolonged affairs, taking years to reach conclusions in many cases. It was recognized that people will need support over this period of time, and some for the course of their whole lifetimes, or at different times in their lives. Some submissions underlined that the psychosocial sector must be prepared to deal with this longevity, both in terms of human resources and the structures for delivery of service. Some submissions mentioned that psychosocial needs will cross generations, as the children of those affected are also likely to continue to need psychosocial support at various points in their lives.

Other forms of follow-up activities that would protect the psychosocial well-being of participants were also recommended in some of the submissions. These included receiving updates and definitive information on the progress and outcomes of their case and having access to reports and other information related to the mechanism and its work. One submission, speaking of the role of such

32 Various studies have indeed noted the importance of cultural and social resources for both enhancing and maintaining psychosocial well-being. Such resources include a reliable helping network and social connectedness as well as religious faith and rituals, shared value systems and activities, and community facilities. See, for example, Rebecca Horn, *Exploring Psychosocial Well-being and Social Connectedness in Northern Uganda*, Working Paper No. 2, Logica, Washington, DC, 2013, pp. 14–15, in which Horn notes the positive correlation between the actual support received over the previous month and levels of psychosocial well-being. See also Martha Bragin, Karuna Onta, Taaka Janepher, Generose Nzeyimana and Tonka Eibs, “To Be Well at Heart: Women’s Perceptions of Psychosocial Wellbeing in Three Conflict-Affected Communities”, *Intervention Journal*, Vol. 12, No. 2, 2014, in which the authors and participants identify key domains related to social support and friendship networks as instrumental to women’s wellbeing.

33 Seils also notes that healing is a long-term process, combining psychological, social, cultural and political elements, that restores and strengthens individuals and communities. See Paul Seils, *The Place of Reconciliation in Transitional Justice: Conceptions and Misconceptions*, International Centre for Transitional Justice, New York, 2017, p10. In Wendy Lambourne, “Transitional Justice and Peacebuilding after Mass Violence”, *International Journal of Transitional Justice*, Vol. 3, No. 1, 2009, the author proposes a view of transitional justice as a longer, slower, more chaotic process that crosses beyond the time frame of particular mechanisms towards a social and relational transformation.”

information in the judicial mechanism with Special Counsel, highlighted the importance of participants not feeling abandoned.

*Witnesses who receive no post-trial follow-up or information often report feeling “abandoned” and have a more negative overall view of their testimony experience.*

Non-governmental organization, written submission, Colombo

## Sensitivities to the risks of participation in the transitional justice mechanism

Various submissions pointed to the risks of participation that may endanger the well-being of those who have come forward. Apart from the widely noted risks of re-traumatization, participation in transitional justice mechanisms has also been associated with social and security risks.<sup>34</sup>

Participants noted that because people are likely to face a wide variety of security risks at different points of their engagement in the transitional justice mechanisms, these complexities must be taken into consideration when designing psychosocial support services and security measures for the transitional justice mechanisms before, during and after participation.

*The ability of witnesses to come forward with information and to testify during trial is critical to the success of criminal trials. There is a need to promote the best interests of victims at every stage of the process and adopt a protection framework to facilitate witness participation without fear of intimidation or reprisals.*

Non-governmental organization, written submission, Colombo

*There must be psychosocial support and there must be security [in the transitional justice process]. Otherwise people cannot participate.*

Group of independent psychosocial practitioners, psychosocial sectoral consultation, Colombo

The participants in the consultations emphasized the need to ensure that the design of transitional justice mechanisms is protective of the security of the participants and their families, and that precautions must be taken to ensure the safety and security of participants in any interactions that take place at community level.<sup>35</sup> They recommended the establishment of security and protection units within each mechanism and within each regional office to ensure participation without the possibility of intimidation or reprisals. It was mentioned that gender-sensitivity must be considered a key safety measure and the protection of participants and their families' needs must continue beyond the duration of their engagement in the mechanisms.

34 See Jacobus Cilliers, Oeindrila Dube and Bilal Siddiqi, “Reconciling after Civil Conflict Increases Social Capital but Decreases Individual Wellbeing”, *Science*, Vol. 352, No. 6287, 2016.

35 For further discussion on these points, examples and the specific security risks faced by victims and survivors, see CTF, above note 5, Vol. 1, pp. 405–426.

The contributions from families of the disappeared present a remarkable account of the psychosocial needs and challenges they face in their daily lives. The recommendations made by the families on the design of the transitional justice mechanisms would allow for the creation of a psychosocially sensitive mechanism that provides comprehensive support to affected persons.

## Conclusion

Although the mandate of the CTF was to consult the public on how they wanted the transitional justice mechanisms to be designed and implemented, the consultations also provided an opportunity for families of the disappeared to share their experiences and express their psychosocial needs. Before outlining their views on the mechanisms, many people explained the frustrations they had encountered when speaking before numerous previous commissions and presented their experiences of disappearances. The distress and suffering brought about by the complex psychosocial issues consequent to the disappearances indicated an urgent need to develop guidelines on how to respond to them appropriately. At the same time, many submissions explicitly emphasized psychosocial issues and impacts, and expressly called for psychosocial services to be offered for those affected as part of the reconciliation and transitional justice process.

The following are the key findings pertaining to psychosocial support for affected persons derived from analyses of the relevant submissions:

- There is significant need for the provision of psychosocial support services to those affected. Such support is required prior to, during and after engagement in the reconciliation and transitional justice process. Such services need to be available both at the institutional and community levels.
- Closely linked to this, the submissions made it apparent that psychosocial services for those affected by enforced disappearances are required throughout the process, including initial engagement, investigations, prosecutions, exhumations, identification of remains and performing funerary rituals if the person was killed.
- In order to ensure effective and appropriate services, personnel working in the reconciliation and transitional justice mechanisms need to be trained to be sensitive to the particular psychosocial needs and well-being of those who use these services, including families of the disappeared. Similarly, the psychosocial sector and its practitioners require further capacity-building, including strong referral systems, cross-institutional collaboration and ensuring sustainability.
- The submissions indicate that labelling of victims and perpetrators is complex and counter-productive, and categories are not readily distinct. Psychosocial services must be available to all who require such assistance, irrespective of their status as victims, militants or State combatants, witnesses or perpetrators in the different conflict histories of Sri Lanka and the various periods of enforced disappearance.
- Submissions show that psychosocial impacts are evident not only at the individual level but also at the family and community levels. For example,

abductions and enforced disappearances have reconfigured entire families and changed relations between extended families and across generations, and have impacted on larger collectives such as neighbourhoods and villages. As such, psychosocial support programming should extend beyond the individual to include group and community services.

- Several submissions indicated that those who had experienced the enforced disappearance of loved ones had also experienced multiple cumulative losses and experiences of violence. As such there is a need for a broad range of holistic psychosocial support and services that can address multiple causes of suffering and grief for individuals, families and communities.
- Protection of psychosocial well-being is a key concern. For example, a number of submissions noted the need to avoid re-traumatization through the use of existing case documentation and taped videos to ensure that family members need not retell their stories multiple times, either at the OMP or at any of the other institutions. Being sensitive to how the coping mechanisms of individuals, families and communities may be challenged through the reconciliation and transitional justice process, and helping them to address these challenges, was also noted as being important.
- Incidents of intimidation by members of the State armed forces as well as harassment and exploitation were notably common experiences for families of the disappeared, especially for women and girls. Addressing security and safety concerns and ensuring the protection of those who come forward to use the mechanisms, either as a family member of the disappeared or as a witness, is an integral part of protecting psychosocial well-being.
- It is necessary to manage expectations about the psychosocial benefits that appear to be commonly associated with reconciliation and transitional justice. With no clear evidence for these assumed benefits, participants in the process must be made adequately aware of the potential psychosocial impacts and receive support in dealing with them.
- It is important to pay attention to the specifically gendered nature of the impacts of enforced disappearances: men and boys constituted the greater number of those who were disappeared, and women have disproportionately borne the burden of social, economic and psychosocial consequences of disappearances. Gendered considerations will be crucial to ensuring that both men and women feel safe, welcome and able to participate in the process without undue stress and difficulty. For example, offices must be administered and operationalized in a gender-sensitive manner, including having trained staff, gender-sensitive operational and case schedules, and childcare and breastfeeding facilities.

Consequently, the CTF report recognizes psychosocial considerations as an important overarching theme for the transitional justice and reconciliation process in Sri Lanka, and proposes a number of recommendations for the design and implementation of the psychosocially sensitive transitional justice and reconciliation mechanisms, including the OMP. These recommendations aim to ensure psychosocial support for and protection of victims and victims' families,

including the families of the disappeared, as well as others from the wider communities who may be affected.

Three explicit recommendations on psychosocial support were made by the CTF in its Final Report.<sup>36</sup> Recommendation 2.20 requires an independent body to be established for the purposes of advising, designing and coordinating services within each mechanism, including the setting up of a psychosocial unit within each mechanism and supporting the strengthening and extension of psychosocial services throughout the country. Recommendation 2.21 states that psychosocial services must be made available to those affected at the community level before, during and after their engagement with the transitional justice mechanisms. It goes on to state that the scope of existing services, provided by civil society organizations and State institutions, must be expanded, their capacities strengthened and services made sustainable. Recommendation 2.22 notes the potential for conflicts of interest in the direct provision of psychosocial and other services by the State, especially in cases where agents of the State may be responsible for human rights violations. While noting that the State should be responsible for ensuring the availability of psychosocial and other services, the recommendation calls for recognizing the necessity of involving civil society organizations in the delivery of services to ensure independence and neutrality of the psychosocial and other service providers. If implemented, these recommendations would provide a reasonable basis for the provision of psychosocial services to those affected, including families and communities affected by enforced disappearances.

The recently established OMP is considering these guidelines by recruiting psychosocial support personnel within the Office and seeking advice from professionals in the psychosocial sector while in the process of planning and implementing their activities. Similarly, there is growing commitment amongst a number of psychosocial practitioners to preparing and strengthening the sector for the provision of services required by the reconciliation and transitional justice process.

There will no doubt be challenges in implementing all the guidelines proposed in the CTF Final Report, given the dearth of psychosocial professionals in Sri Lanka (especially people trained to deal with the issues of violence, conflict and disappearances), the unsustainable psychosocial support services, and the country's struggling civil society sector. In addition, the general understanding of most mental health professionals and the public in Sri Lanka is that everyone who has suffered the consequences of conflict has been traumatized and needs counselling, and that establishing trauma centres is the solution for them.

This article, based on the submissions to the CTF, has outlined the psychosocial issues relevant to families of the disappeared and proposes a broad psychosocial approach to providing care and support to those families that would enable the design of a psychosocially sensitive transitional justice and reconciliation process.

36 *Ibid.*, Vol. 1, pp. 437–438.

