

ADVANCING A HOLISTIC APPROACH TO JUSTICE AND ACCOUNTABILITY FOR CRSV SURVIVORS

The following case study has been written by an independent consultant on behalf of the Global Initiative for Justice, Truth and Reconciliation (GIJTR). This case study is informed by a combination of desktop research, document analysis and interviews. It therefore reflects these perspectives and findings, as compiled and written by the consulting author(s). Interviewees have been anonymized to ensure their safety and privacy but GIJTR extends its gratitude for the time and participation of all interviewees.

A Case Study from Sri Lanka

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Introduction and Background

Victims from Sri Lanka are largely Tamil men and women, sexually violated and tortured by state security forces in both legal and illegal detention settings, during and after the civil war, including up to the present day.¹ They are forced to pursue informal justice mechanisms because the state is still in denial about the violations and actually protects those responsible. As the United Nations (UN) High Commissioner for Human Rights observed, “Sri Lanka remains in a state of denial about the past, with truth seeking efforts aborted and the highest state officials refusing to make any acknowledgement of past crimes.”²

Survivors have made submissions to UN bodies and international governments for sanctions, visa bans, vetting, and screening, as well as being involved in the opening of universal jurisdiction cases and civil damages cases.³ They are supported by two projects in the United Kingdom (UK): the International Truth and Justice Project (ITJP), which collects and preserves evidence to be used for litigation and a range of accountability mechanisms, and Support a Survivor of Torture (SAST), a psychosocial project run by an associated charity.

In Sri Lanka, NGOs cannot openly work on psychosocial support for victims of conflict-related sexual violence (CRSV). They report that sexual violence is characterized by shame and stigmatization, given the traditional and cultural context. Consequently, the extent of sexual abuse during the war and its final stages is so highly underreported.⁴ Sexual violence is considered to be extremely sensitive, with incidents often not reported due to the shame involved for the victims/survivors.⁵ Tamil society places female victims/survivors of sexual violence in an extremely difficult position, given highly valued notions of chastity and virginity before marriage.⁶ The fear of social stigmatization and reprisals from perpetrators following such events has kept both male and female rape victims/survivors silent. Reporting sexual violence also involves a serious risk of reprisal against family members of victims.⁷ Researchers have suggested that much of the sexual violence, along with other torture, is used to control the Tamil population through degradation and fear, to intimidate victims and their families into silence, and to extract large ransoms.⁸ Coupled with institutional hurdles in the legal system blocking effective reporting and investigation, many victims have not reported such violations. While both men and women have been subjected to sexual abuse as a result of the war and ongoing conflict, male victims/survivors are reluctant to report sexual abuse due to homophobia and stigmatization.⁹ Many people in Sri Lanka believe that rape and sexual abuse of men is not possible and that a man who has been raped must be weak or homosexual.¹⁰ Failure to include the rape of men in the Penal Code only reinforces those misconceptions.

SRI LANKAN NGOS

Organizations in the country that work with survivors of CRSV fear reprisals from authorities. They provide support for survivors under their general programs. For reasons of confidentiality, we will not name the organizations that provide services to victims in Sri Lanka, many of which are based in Jaffna and Batticaloa. At the same time, they have indicated that while they provide trauma services to survivors of CRSV, their support is fairly limited because of funding issues and the security risks involved. Services include legal services, counselling support, economic assistance, access to safe

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housing, and advocacy. An NGO in the Northeast whose mandate is health and counselling provides support services to victims/survivors who were psychologically affected by conflict. Their support services include counselling, workshops, and raising awareness of the need for psychological support. They also train counsellors to work with the community, and provide library facilities with reading materials that cover mental health, counselling, and psychosocial welfare to the community. Another NGO with satellite offices in Jaffna and Batticaloa provides support for victims/survivors of sexual and gender-based violence (SGBV) including legal services, psychosocial counselling services, emergency shelter care for victims, call centers, and assistance to access police help desks. In addition, there are NGOs that have been in existence over the last 25 years that have provided holistic psychosocial support services, including rehabilitation, to trauma survivors. They also run a capacity-building program for stakeholders. A network of women across the Batticaloa district provide rehabilitation and reintegration support for SGBV victims. A development center based in Batticaloa also provides legal aid and counselling services for survivors of SGBV, having adopted a gendered approach by advocating for the economic rights of women, supporting women empowerment, and organizing collective activism to address violence against women. Their network includes other women's groups that work with victims/survivors of SGBV, along with cultural forums that support large numbers of women, providing them with support for CRSV violations.

There are also several NGOs based in Colombo, including research forums with sub-offices situated in several districts, that provide support to survivors of sexual violence under their general equality and justice programs.

METHODOLOGY

The background research for this case study involved accessing UN, NGO and academic research on the subject, as well as the ITJP's own sizeable witness archive. Information regarding domestic access to justice was collected for the ITJP by a human rights lawyer in Sri Lanka, who remains anonymous for protection reasons. An employee of a partner organization in Sri Lanka collected information on Sri Lankan NGO activity for this report, for which primary interviews were conducted with the ITJP's survivors, a clinical supervisor, and lawyers, including the ITJP executive director, a leading transitional justice expert. Feedback from staff and survivors involved in the ITJP's psychosocial

project was also reviewed. The project involves finding ways to discuss CRSV and has been part of a Global Survivors Fund consultation on CRSV reparations for the last year.¹¹

COUNTRY BACKGROUND

The civil war in Sri Lanka was fought between Tamil militants and the state security forces for nearly three decades (1983–2009). It culminated in 2009 when tens of thousands of civilians were massacred in a matter of months and the militant group was defeated. Sri Lankan Tamils took up arms after being denied their basic rights by a Sinhala Buddhist majoritarian state, fighting for a separate homeland. This struggle involved the Liberation Tigers of Tamil Eelam (LTTE), who at times held large parts of territory of the island and operated a parallel government. The LTTE was accused of using child soldiers, forced recruitment, and suicide bombers. For their part, the state security forces deliberately targeted hospitals and civilians, committed mass enforced disappearance, and used torture and sexual violence as part of a policy of repression against Tamils.¹²

Sexual violence committed by the Sri Lankan security forces has been extensively documented, but the LTTE has never been found to have perpetrated CRSV.¹³ This is unusual, and ascribed to the presence of women in the LTTE movement and the need for community support.

The security force units involved in these violations include police, paramilitary police, counter-terrorism units, the Navy, the Army, and intelligence services all assisted by pro-government Tamil paramilitaries.¹⁴ The perpetrators largely came from the majority Sinhala community.

POST-WAR

There are ongoing allegations of widespread sexual violence by the security forces against Tamils of all ages and genders with perceived connections to the LTTE.¹⁵ This typically occurred during unlawful detention and in the context of the ongoing structural violence and systematic targeting of the Tamil population in the north and east of Sri Lanka.¹⁶ In recent years, the victims/survivors of CRSV have also included the next generation of young Tamil men campaigning for their political and human rights.¹⁷

The United Nations Investigation into Sri Lanka (OISL) described what it called shocking allegations of CRSV by security forces in internment and displacement camps and rehabilitation camps.¹⁸ There are also reports of women having been held in military camps for the purpose of sexual slavery, sometimes for many years.¹⁹

Documented forms of CRSV include the burning of detainees' genitals or breasts with cigarettes, twisting of penises and testicles, scratching or biting of breasts and buttocks, forcible masturbation, being forced to perform oral sex, spraying chili powder on genitals, crushing genitals by slamming drawers on them, oral, vaginal and anal rape, including with barbed wires, and gang rape.²⁰

SCALE

A post-war academic study suggests that approximately 13 percent of the Sri Lankan population had personally experienced sexual assault during the war.²¹ Researching in the UK in 1998, a medical practitioner, M. Peel, found a 21 percent prevalence rate of CRSV among male asylum seekers who had been sexually violated in detention while reviewing the medico-legal reports of 184 Sri Lankan men.²² Freedom from Torture, a UK-based network of survivors of torture, consistently reports on sexual violence used against men and women. In 2015, they found that 39 percent of Sri Lankan clients disclosed rape and 71 percent sexual torture. CRSV rates were again noted in their 2019 report.²³ In 2013, Human Rights Watch published a report in which 41 women, 27 men, and three boys described having experienced sexual violence.²⁴ The ITJP published a report in 2018 based on the testimony of 121 male survivors of CRSV and continues to interview predominantly male victims.²⁵ In 2013, a UN study reported that 14.5 percent of Sri Lankan men surveyed said they had raped a woman (this included their wives).²⁶ This reinforces what the UN has said, namely that "incidents of sexual violence were not isolated acts but part of a deliberate policy [in Sri Lanka]."²⁷

DOMESTIC LAW

The Penal Code, as amended in 1995, contains the most significant legal protections against rape and sexual violence in Sri Lanka, with the Evidence Ordinance and the Code of Criminal Procedure providing the procedure and rules of evidence for prosecuting the offense of rape. Constitutional safeguards, particularly the prohibition of torture and all forms of inhuman or degrading treatment and punishment under Article 11, also provide a formal medium of redress where rape is recognized as torture.²⁸

Rape is defined under Section 363 of the Penal Code and applies to all victims/survivors of rape, including those affected by armed conflict.²⁹ There is no specific definition or recognition of CRSV in Sri Lanka or any reference in law to the international definition of the crime. Under the Penal Code, rape refers to forced sexual intercourse/penetration by a man of a woman without her consent.³⁰ The issue of consent is deemed immaterial in circumstances where the woman is under the age of 16

(statutory rape), of unsound mind, or in a state of intoxication caused by drugs or alcohol given to her by the perpetrator or some other person, where the woman believes the perpetrator to be her husband or where her consent is obtained through force, threats, intimidation, the fear of injury and/or death, or while she is in unlawful detention.³¹

While there have been amendments to the definition of rape, they are regarded as insufficient.³² Same-sex consensual relations have been criminalized, which acts as a barrier to disclosure by male victims and facilitates the persecution of lesbian, gay, bisexual, transgender, and intersex (LGBTI+) people. Similarly, the prohibition of statutory rape applies only to girls, and not to boys.³³

In 2013 a UN study found that 96.5 percent of men who committed rape were not arrested or jailed for their acts.³⁴ Even when cases do reach the courts, there are chronic delays, failures in the recording of medico-legal evidence, and a lack of support for victims of SGBV.³⁵

Prominent examples of this include a fundamental rights case brought by Yogalingam Vijitha who was tortured and raped in police detention, but –despite the court ordering compensation to be paid, the rapists were never prosecuted.³⁶ A Tamil woman who was gang raped by four soldiers in Vishwamadu in 2010 secured a conviction in 2015, but the soldiers were acquitted on appeal and the victim was forced to flee the country.

Innovations, Opportunities, and Challenges

SPLIT PROGRAMMATIC APPROACH

The ITJP and SAST’s approach to engagement with victims is twofold: the ITJP implements a legal documentation project and SAST an accompanying psychosocial support project. The two programs are deliberately separated to partition assistance to victims/survivors from the recording of their statements so as not to open the ITJP to accusations in any future legal proceedings that we are “rewarding” witnesses and “contaminating evidence.” However, human rights law recognizes the right of those who suffer gross human rights violations to psychosocial treatment and other alleviating measures.³⁷

The following table summarizes the two programs’ complementary engagement with victims. In practice, the ITJP cannot take detailed witness statements from every victim/survivor who needs assistance, so a person may enter the SAST program and never give a full statement or may give a statement first and then join the SAST program.

Legal Accountability - ITJP	Psychosocial Healing - SAST
<p>Identification of witnesses</p> <p>Statement-taking by independent investigators who are usually UN-trained. The process is usually supported by independent medico-legal reports and supporting documentation</p>	<p>Security screening by staff and induction to the group-counselling, therapeutic art, English and Art classes, lunch, and travel expenses.³⁸</p>
<p>Support with witness protection (referral to psychosocial project, asylum support, advice regarding threats to family in Sri Lanka)</p>	<p>Physical assistance: clothes, food, medical, housing, and other social service referrals, help with English</p>
<p>Consent to share testimony with a third party, including prosecutors; consent to meet UN or others</p>	<p>Ongoing crisis support, assistance with funerals, mourning events, celebrations, assistance with family reunification; support to the family as a whole, including family members in Sri Lanka</p>
<p>Witnesses provide their testimony to investigators or engage in direct advocacy with decision makers</p>	<p>Witness participation in individual and group consultations</p> <p>Attending group social events</p>

The provision of comprehensive psychosocial support is an essential accompaniment to the documentation project and an integral component of witness protection to address both physical and mental damage to individual victims (physical, mental, and to the sense of identity) as well as social (betrayal of the sense of social justice and faith in authority). It is worth noting that victims/survivors of CRSV often arrive hungry without a change of clothes, winter jackets, or toothbrushes, and even sometimes must borrow shoes to attend the meeting. In these circumstances, it is absurd to ask them about their views on accountability without addressing their immediate physical needs.³⁹

ONE-COUNTRY FOCUS

Most torture rehabilitation services in the UK integrate victims/survivors from multiple backgrounds in groups. The ITJP's project, however, specializes in victims/survivors from one country only, which provides a beneficial homogeneity for people who have been brutally targeted because of their ethnic identity. Putting people who have been isolated by solitary confinement, exiled from loved ones, back together in a group where they all speak the same language and come from the same culture is enormously reparative. This is why the SAST annual group mourning events have been so powerful for healing. Similarly, such events lead to celebrations in repairing a sense of belonging in exile.⁴⁰ Group events (which involve poetry, art, singing, candle-lighting, and spontaneous testimony) are a powerful closed forum for war victims/survivors to bear

witness, overcoming their guilt at surviving. Rituals from Sri Lanka are adapted, such as supermarket roses instead of the Tamil national flower and lighting tea lights instead of oil lamps. These ritualized approaches are important in organizing the grief reaction.⁴¹ “Celebrations and mourning events make me feel that we and our loved ones are not forgotten and also take me back to Sri Lanka, feeling I am still with my family in my own country,” a survivor said.

“These events are really consoling for us, especially when we are away from our family and country and in difficult situation,” added another. This is particularly true of those who have been subjected to enforced disappearance where, as the same victim/survivor put it, “The disappeared are denied a place among the living and also denied a place among the dead.”⁴²

The impact is also powerful because the victims/survivors themselves describe being previously excluded from social gatherings: “As a result of sexual violence, families are separated. When we experience sexual violence, we are marginalized in society, and even if we attend a function or celebration we will be ostracized, others are hesitant to talk to us.”⁴³

SURVIVOR STAFF

SAST employs victims/survivors who are themselves recent refugees to run its psychosocial support program, and who are ethnically Tamil. Several of them have experienced the same violations as the group they serve. Two worked in counselling in the conflict areas and others in other aid programs in the war zone, so victims/survivors trust them in a way members of the established diaspora would not be.

The ITJP has provided the Tamil counselling staff with a UK-based professional trauma and psychosocial expert who provides weekly supervision support for the staff, as they themselves are processing a great deal of trauma and have required much more psychological and institutional support in order not to fragment as a professional group. On many occasions, the beneficiaries of the project have tried to split the staff, manipulate and play them off against one another, vent their anger on them, and cross boundaries—and often call them at all times of night and day and play on their sense of guilt or innate vulnerabilities. Additionally, the staff can get caught in the different cultural assumptions and legal requirements regarding safeguarding issues in Sri Lanka and in the UK—for example, their responsibilities regarding reporting of domestic abuse, trafficking, and suicide risk. Furthermore, as refugees who lost educational opportunities because of the conflict, staff also need additional support with career development.

The deliberate specialization on one country only enables staff better to navigate the cultural nuances victims/survivors from their country employ.⁴⁴ They understand the complexities of documenting violations, particularly CRSV, within an oppressive political environment such as Sri Lanka, where veiled communication processes exist to protect people. These arise due to the unsafe nature of discussing sensitive topics, especially in this context, because Tamil society often blames the victim: “There is an attitude among the general public that rape victims are equally culpable with the perpetrators and contributed to the commission of the crime, suggesting women are equally

responsible through their conduct to become a victim of rape.”⁴⁵

Tamil support staff are able to unpack incredibly sensitive and complex domestic problems in the context of exile, which non-Tamils would likely miss, such as family rejection and all the shame and stigma that CRSV entails. For example, the desire to protect a family's reputation has meant that young male CRSV victims/survivors abroad have taken weeks to disclose abusive treatment from relatives in the UK. In one case, a young man lost 10 kilograms in weight in two months after arriving in the UK because his uncle's wife didn't feed him (or heat his room) before he ultimately collapsed, and an ambulance had to be called; it was the shame of an ambulance having come to their home that prompted some movement. The wife didn't want the boy in her house, while the husband, who had lent the family money for the journey to the UK, didn't want to let him go lest he would have failed to repay the money when he eventually obtained asylum. The ITJP's Tamil staff went to visit the family to gently remind them that although they were in the UK, the wider community was watching.

SURVIVAL TACTICS

Additionally, survival strategies are employed by NGOs. It is dangerous for NGOs in conflict areas to do more than document violations; going further and identifying the perpetrators (who may well be known) is risky, even more so when identifying senior commanders. In Sri Lanka, NGO staff say they will not go into a village to document CRSV or any other serious violation because of fear of the security forces and informers. The Sri Lankan NGOs would rather build a long-term relationship with survivors through livelihood assistance and, during periods of relative safety, use that as a cover for discreet documentation work. Partner organizations in the east of Sri Lanka report that it is currently too dangerous to visit villages and ask for consent to share existing testimonies with the UN. Even offering basic psychological counselling can be dangerous at times because the authorities (who are complicit in the violations) regard it as “digging up the past” and not allowing people to “move forward.” Similarly, in exile, the psychosocial project run by the ITJP/SAST began by offering English language classes because, apart from the existing need for them, it was an acceptable narrative for survivors to share with their family members, as opposed to their seeking psychosocial support. Education is highly culturally valued, and survivors could therefore avoid the social stigma that is felt in the Tamil community around accessing mental health care.

PATHWAYS TO JUSTICE AND ACCOUNTABILITY

The first step of the ITJP's legal project involves documentation, with independent investigators interviewing the witnesses and taking their testimony, which includes the disclosure of the violations. The second step involves the organization collecting contextual and linkage evidence to build cases against alleged perpetrators. The evidence is preserved for diverse future accountability initiatives. Individual survivors, with their consent, have met with visiting UN experts and prosecutors (both regarding their testimony and for wider transitional justice consultations) and have collectively been involved in a dialogue with Global Survivors Fund on appropriate reparations for CRSV for a year now.

The ITJP has used its dossiers on perpetrators for the purposes of litigation, i.e., universal jurisdiction cases, civil claims for damages in Latin America, United States, Singapore, and Europe, as well as several truth recovery initiatives (UN investigations, WGEID, CEDAW, UPR, rapporteurs), engagement with media (see donor reports/website for media stories), report launches, and UN side events and online discussion briefings.

In a hostile environment of state denial of CRSV, the approach taken by an ITJP investigator or SAST counsellor can profoundly impact the mental and social well-being of the survivor. The approach recognizes that most victims/survivors will probably never have their day in court and their interaction with our project may be the only time someone bears witness to the atrocities they survived—and that this must be a reparative process in itself.

CENTRALIZING THE VOICES OF VICTIMS

Placing victims/survivors at the center of accountability strategies helps to address the conditions that have led to serious violations in the first place.⁴⁶ However, victims may not feel safe to discuss CRSV openly. If someone is currently in a location where their safety is compromised, such as Sri Lanka, it may only be appropriate to engage in documentation once they reach safety. This would include measures to prevent the risk of harm to the families in Sri Lanka of victims living abroad.

The SAST/ITJP projects only deal with victims/survivors in exile, which means there are unique dynamics at play in that the victim/survivor is alone, generally without the comfort of family. The victim/survivor also has a lot of time on their hands, as they are not allowed to work due to restrictions on their employment while their immigration status is pending. This makes it a good point for disclosure, but also necessitates additional support because of their isolation.⁴⁷

There is also a false assumption among donors and Sri Lankan civil society that since these victims/survivors are in a wealthy developed country, they will be well looked after. Their geographical location in exile sometimes also means that they are not regarded as “real” or “authentic” victims/survivors or victims/survivors with the right to have a say about the future of their country.⁴⁸ However, when victims/

survivors are needed for international accountability processes that do not have access to Sri Lanka (UN PoE, OISL, O/SLAP), the same victims/survivor group is sought out again.

Internationally, there tends to be a need for more understanding of the connections that people in exile have with those who remain in Sri Lanka. This is a failure to differentiate between people who have been in the diaspora for 40 years and those who have just arrived. The discourse is framed in a way that misses the constant flow of information back and forth between the exiled population and their relatives inside the country. The diaspora into which recent arrivals come is itself constantly retraumatized by the fresh accounts of violations, especially of CRSV.⁴⁹ Collective victimization can entail an existential threat that promotes a perpetual sense of group vulnerability, collective angst, and a mindset of being “an expiring people, forever on the verge of ceasing to be.”⁵⁰ Therefore, what is happening politically, socially, and economically in their country of origin affects the exiled victim’s ability to recover. When family members are threatened or harmed in Sri Lanka, we see an immediate impact on the victim’s/survivor’s mental health abroad. It is for this reason that the project has sometimes provided support in the form of financial assistance to their families in Sri Lanka to resolve the problem because we know that, without this kind of support, the victim/survivor abroad cannot move forward. For example, when an exiled victim’s/survivor’s sibling is arrested in Sri Lanka, the ITJP assists with legal fees or livelihood support for their family, or in other cases, funeral costs.

The involvement of independent non-Tamil international investigators in this work carries much symbolism for the victims/survivors, many of whom feel very deeply that Tamils were abandoned by the international community to die on the beaches of Mullaitivu in 2009. The involvement of outsiders is significant in that they are perceived symbolically to bear witness on behalf of the international community, albeit belatedly. They are also regarded as being outside Tamil culture when it comes to ensuring safe disclosure, as one male survivor explained:

The first time I spoke about the sexual violence was when I met with the investigator. It is very difficult for me to consider sharing these details of what happened to me with people within the Tamil community. If I revealed this type of sexual abuse I would be seen and treated differently. The investigator is not a Tamil person. I felt able to open up to her as I was assured that if my statement was used for any purpose, it would only be with my consent and my details would be anonymized. Therefore, my identity would not be revealed and I would not suffer the shame and stigma from other Tamil people.⁵¹

This of course overlooks the involvement of Tamil interpreters in the process. In one consultation, a victim/survivor said that he had been able to disclose CRSV because the older Tamil female interpreter had taken him aside before the interview and told him that she had heard all these things before and would not be shocked. She had therefore given him, as a young man, permission to step outside the cultural norms of engagement. Years later, he cited this in a group discussion as the key enabling factor for his disclosure.

Outsiders also bring a meta perspective by seeing the crimes in connection with international law, tracking trends and systematic patterns of the violations. Lawyers and analysts in the ITJP are reconstructing the crime scene, the connection between the violations, and the unit that committed the violations. Documentation must follow the highest international standards to provide reliable and probative evidence to authorities, particularly for investigations and accountability mechanisms, including possible universal jurisdiction cases. The ITJP has provided both contextual and linkage evidence to the UN and prosecutors working on universal jurisdiction cases on units and commanders responsible for serious international crimes.

EXPERIENCES OF MULTIPLE VIOLATIONS

It is important to note that victims/survivors have suffered multiple violations, including CRSV, after the war. Investigators do not set out to document CRSV alone, but rather the entirety of the victim/survivor's experiences, the harm suffered, the context in which it occurred, and the consequences, with the aim of recording what happened to them and, where possible, who was responsible.

REFERRAL PATHWAYS

The victims/survivors are identified and referred to the ITJP through a network of independent lawyers, doctors, and other victims/survivors with whom the ITJP has built a relationship of trust over time. Documentation involves an interview with an ITJP lawyer, navigated by a trusted Tamil interpreter, and a written statement is recorded in English. Corroborating information is gathered in the form of exhibits, including independent medico-legal reports, complaints by families to the Human Rights Commission of Sri Lanka, and to the police, as well as any habeas corpus applications when made, and finally Tamil media reports.

DOCUMENTATION IN TERMS OF INTERNATIONAL STANDARDS

The ITJP ensures that the interviews are conducted according to best international standards, observing the “do no harm” principle and the highest levels of confidentiality and security. Great care is taken not to retraumatize victims/survivors during the interview process, to take breaks, and to support them through the process and, where necessary, to have a Tamil-speaking counsellor follow up after each day's interview once the victim/survivor has returned home. Nevertheless, there have been moments in the process of gathering evidence when those involved in the documentation process have broken down in tears because of the sheer horror and brutality of the accounts being recorded. All ITJP staff, including the investigators, have access to support for secondary trauma—and it is our experience that at some point everyone needs it. Investigators who are in the field can call the program coordinator every night to discuss the case they are documenting and to seek psychosocial support as well.

The ITJP's experience of documentation done well is one of a process that can be liberating for the victim. One woman told us that it was as if she had been walking around in London with a blindfold over her eyes until she met us and was able to give a full statement, recounting for the first time years of sexual and physical abuse in multiple detention sites.⁵² She said that giving the statement was like having the blindfold

removed and being able to see again. At the end of several days of a very intense process, victims/survivors have become visibly lightened, saying it was a relief to tell someone their story. There are times when the interviewee has hugged and thanked the investigator at the end of the day, with one interviewee having said that the interview and statement-taking was the first time he felt he had been treated with respect in the UK.

PRIORITIES

The ITJP's focus is on comprehensively documenting the diverse accounts of different types of victims/survivors and their experiences of the conflict and post-conflict violations, which have given rise to extensive reports. These include recent CRSV,⁵³ torture/CRSV by a particular unit,⁵⁴ torture/CRSV and disappearance at a specific site,⁵⁵ as well as other violations, such as enforced disappearance. The ITJP has also documented the accounts of many Sinhala security force officers ("insider witnesses"), as well as victims/survivors. The ITJP has self-determined its investigative priorities, despite it often not being in sync with donor priorities. Donor funding priorities in Sri Lanka tend to be focused on post-wartime violations, and not on documenting ongoing ones.

Sinhala victims/survivors and insider witnesses are not enrolled into the psychosocial program for obvious reasons of security. However, the ITJP interviews and takes statements from them, and SAST offers them ongoing psychosocial support on an individual basis.

The focus on war-related violations has been most successfully employed in the universal jurisdiction cases on Sri Lanka,⁵⁶ which we launched in addition to instituting claims for damages⁵⁷ for the crimes of torture, CRSV, and mass enforced disappearances in the closing days of the war. This is due to the availability of contextual and linkage evidence that identifies those in command. Such evidence includes detailed state accounts of the locations of military units and commanders in the relevant areas on these dates as well as audio visual material, including maps.

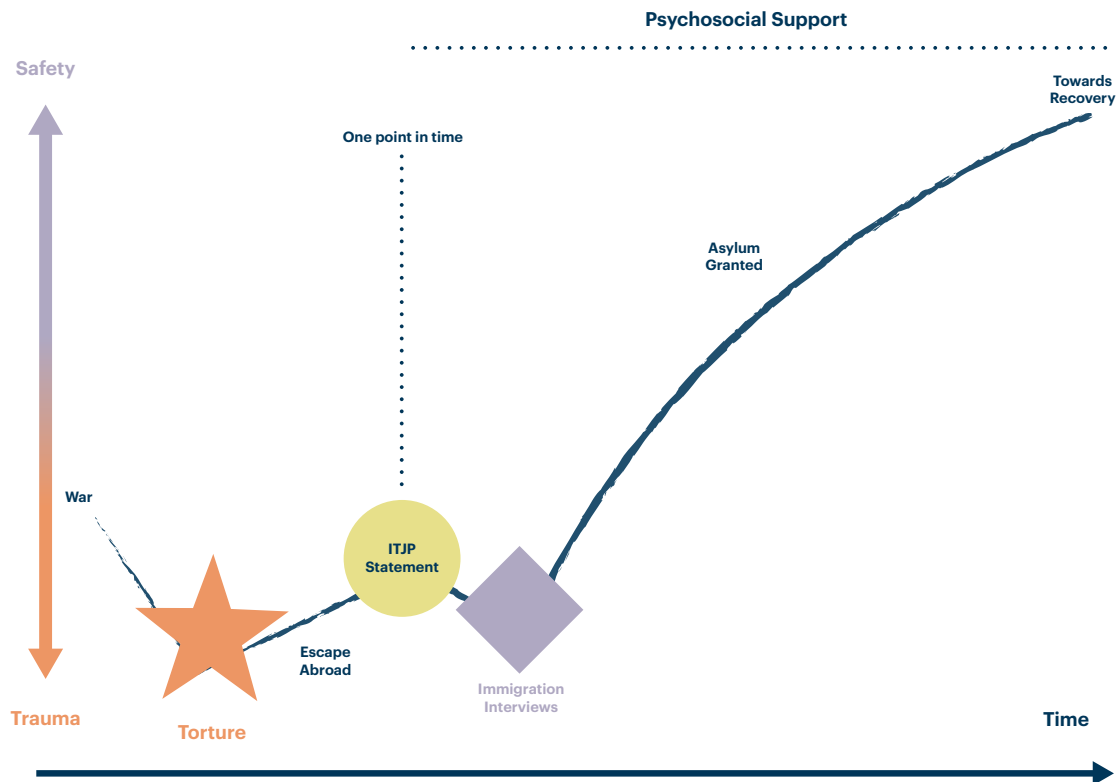
Still, a damages claim in the US under the Torture Victims Protection Act had to be withdrawn, as the respondent was elected president, thereby benefitting from head of state immunity. It has not been possible to refile the case since, even though the former president ultimately resigned, given that papers would need to be freshly served on him in the US, which is unlikely because his visiting the country would expose him to further litigation now that he has left office.⁵⁸ A Latin American case based on universal jurisdiction against a former Sri Lankan ambassador (a former Army commander during the war who was in charge of one of the most notorious detention centers in Sri Lanka) resulted in Brazil wanting to transfer the case to the UK while Chile appointed a prosecutor to begin investigations, but the prosecutor was transferred, resulting in a loss of interest in the case by the Chilean authorities as the accused had by that time already fled Latin America. This case underlines the need not just for timely action when a target is within a jurisdiction but also a conducive political climate and sustained investment by donors in international, multi-lingual advocacy to support such legal initiatives once they are successfully launched.

PSYCHOSOCIAL SUPPORT

An ITJP witness statement is a comprehensive account of the totality of violations, including CRSV, taken at a specific point in time—though it has been our practice to come back to certain witnesses later in our engagement with them for supplementary statements. By contrast, the engagement in the psychosocial project remains ongoing (see diagram).

Apart from the support for victims/survivors, this ongoing weekly contact with witnesses has a number of additional advantages for the documentation/legal accountability work:

- Victims/survivors refer newcomers to the project.
- Victims/survivors recall more events over time and disclose more information.
- Victims/survivors tell us what is going on in the villages of the conflict areas where their family members live and to whom they talk on a daily basis so we have up-to-date information on the repression.
- Trust in the organization has been built over many years so that we can go back to members of the group and ask them to testify, share information with third parties including the UN, or fill knowledge gaps. For example, when the UN Sri Lanka Accountability Mechanism (OSLAP) wanted to consult victims about transitional justice, the ITJP was able to organize at short notice 60 people to meet them in small groups over two days because we had the network and structures in place, and some victims/survivors told the UN they only came because they trusted our organization.



Lessons, Reflections and Recommendations

The “Basic Principles and Guidelines on the Right to a Remedy and Reparations for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (Basic Principles)” explicitly recognize five forms of reparation: restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition.⁵⁹ This is an inalienable right that all victims/survivors of serious abuse and their dependents are entitled to, as “[r]ehabilitation seeks to achieve maximum physical and psychological fitness by addressing the individual, the family, local community and even the society as a whole.”⁶⁰

The fundamental principle underlying reparations is that a victim/survivor needs to re-establish a belief in a just society and engage in a process that reaffirms their basic humanity and dignity. Obtaining social justice for the victim/survivor carries with it a huge potential for healing and is crucial to the process of mediation between their past experiences and life in exile. It endeavors to ensure that their human rights are not again ignored or forgotten. This is especially so because the people in the group we support are the ones who were targeted in Sri Lanka for their activism in demanding their human rights. Though abroad they are keen to speak for those inside the country: “I have the opportunity to give my voice for other survivors who experienced torture, sexual violence and other forms of ill treatment.” They also observe that where an innovation works, such as the CRSV dialogue initiated, it could be beneficial for others in the same predicament: “The sessions like these will be useful to other survivors both in the country and outside of Sri Lanka.”⁶¹

However, the sense of isolated helplessness experienced under torture is often mirrored in the alienation a person experiences in exile. For many victims/survivors, the concept of community has itself been violated and feelings of betrayal and mistrust predominate, just as the perpetrators intended. The SAST project is a therapeutic community that endeavors to create a safe place for victims, while the ITJP project works on truth, justice, and accountability for the violations they have endured.

SAST rebuilding communal life. Rebuilding communal life usually takes place at the village level. The safe space of a church is used by the ITJP as a venue that has many sub-spaces where different activities all happen in sight of one another, including counselling carried out in a private side room. A volunteer is in charge of organizing birthday celebrations after lunch and celebrations of those who are granted asylum. Additionally, Diwali, Thai Pongal, Tamil New Year, and Christmas are celebrated. Mourning events are organized by the victims/survivors for May 18 and November 27—key events in the Tamil calendar. When a member of the group is bereaved, SAST pays travel costs for their friends to visit their home to offer condolences. Excursions are held in the summer to see London sights, travel to Brighton for the sea, go bowling, or play cricket in the park. These events are critical in bonding the group and “creating happy memories.” They repair the social connections severed by torture and CRSV, solitary confinement, life in exile, separation from loved ones, not telephoning home for fear of endangering loved ones, stigma, poverty, and inability to speak the host country language.

This is social healing.⁶² As a survivor said, “These sessions help me to heal myself from the impact of the experience.” Social attachments play a critical role in how humans manage adversity, and social projects such as SAST serve a critical function in how people respond to trauma. A survivor who was involved in the Global Survivors Fund CRSV reparation consultation commented, “The experience of sexual violence is unforgettable and unforgivable, sharing with people close to me may help me to reduce the pain and

trauma... Initially, I was feeling scared, shy, even ashamed to attend these sessions; I feel confident enough to talk to others about it [CRSV]. I kindly ask these sessions to continue.”

Justice & Medical Repair Intertwined. Post-conflict trauma and healing should be understood as a process and not just the psychological result of an event. Healing occurs sequentially within the wider social and political context of a conflict cycle, of which truth, justice, and reparation are all vital parts.⁶³

The ITJP’s approach takes account of individual and collective trauma understood within the specific historical and sociopolitical context. Victims/survivors therefore seek not only medical and psychological help but also security, acknowledgement, social and legal justice, and recognition of what their violations represent. Implicit in their request for help is a fundamental need for reparations, both moral and material. Reparations are, at the same time, an important message of acknowledgement, inclusion, and dignity, which affirms that survivors are valued both individually and as members of the community. SAST and the ITJP, though independent projects, link truth recovery, justice, and reparations as a means of addressing both the human rights and health needs of victims, essentially integrating recognition and social justice. The projects translate the various international instruments addressing accountability for human rights violations, integrating survivors’ need for security, accountability, and social justice with their right to legal assistance and trauma counselling. Whenever an advance occurs on the justice and accountability front in which the ITJP played a role, victims are briefed, discuss it, and take enormous pride in the achievement.

Counselling Supervision. Clinical or counselling supervision is distinct from managerial supervision and is the training tool for the development of effective therapy skills. It supports the professional growth of the counsellors by providing a space for reflection, self-assessment, and skills development. The supervision sessions help staff expand their theoretical knowledge, improve their clinical skills, and gain new perspectives on their casework. While the individual victims’/survivors’ details are confidential, counsellors are encouraged to examine the interaction between them and the CRSV victim, with the supervisor identifying trauma and therapeutic principles that can be applied. Counsellors are encouraged to discuss their personal problems and whether they obscure their professional judgment in dealing with victims/survivors. However, working through these problems belongs to separate individual therapy sessions that are also provided.

As the SAST staff are themselves survivors, they bring their own pre-conceptions and perspectives about trauma, culture, gender, and justice, as well as ideas about what their own roles should be. Supervision assists them in finding a common framework and language and a joint approach to the work. The ITJP has developed a system that allows any staff member to take charge of any situation and to be confident that they could call on another staff member, as well as the supervisor, for the necessary information and support.

CHALLENGES

Lack of Justice. There is growing frustration and feeling of deep betrayal among victims/survivors about the lack of accountability for the gross violations committed during the war and post-conflict period, as well as the failure to implement transitional justice in Sri Lanka and abroad. Victims/survivors have acutely felt the difference in the response of the international community to the conflict in Ukraine compared with Sri Lanka, particularly around the various investigative and accountability measures established. When visited by various UN delegations and special

rapporteurs, the victim/survivor group expressed feelings of abandonment, both from the 2009 war and also since then, due to a lack of accountability at both the domestic and international levels. Added to this is a frustration at the lip service paid to human rights and Tamil rights by international politicians who then do not deliver any real pressure on the government of Sri Lanka. Local politicians in Sri Lanka have also been unsuccessful in pressuring the government to deal with accountability.

The ITJP plays a critical role in mediating contact between victims/survivors and other international NGOs, member states, the UN, and human rights activists from different communities and organizations inside the country. The wider failure to achieve justice has the risk of rebounding on the ITJP; in a recent dialogue a survivor said, “I have a question as to where we can go and who has the power to help the Tamils. Will ITJP help us to get the solution for the Tamils? When Tamils ruled ourselves, we were living happily with no problems. We want to have a situation like that. Will ITJP make sure we get a solution which is acceptable for Tamils?”⁶⁴

Insecure Funding Future. Assisting people whose lives have been destroyed requires that they feel safe—and for this, the organization supporting them also needs to be secure in its funding levels. The ITJP struggles with short uncertain funding cycles, which are mainly project based and do not cover core expenses. Having just been funded to develop the capacity of our staff and having just opened up a transformative discussion with a group of 50+ male and female survivors on CRSV, ironically, we now risk closing down our whole SAST program altogether within 12 months due to insufficient funding.

Donor Reporting. Monitoring and evaluation need rethinking for projects that assist traumatized victims/survivors. Grants require us to survey clients on a quarterly basis on their feedback, which can be too intrusive for victims/survivors. New ideas on reporting that actually captures the psychological achievements (rather than typical development project goals of numerical metrics)—including more donor site visits—need developing.

Gender. Because of a lack of resources for many years, the SAST project could not run separate groups for men and women. When COVID-19 set in, we segregated the groups online by gender, as otherwise families would not allow young women to participate. Throughout COVID-19, we ran separate groups for counselling women, which morphed into a sewing group and then a poetry writing group. The female group was small and, although different in terms of ages and diversity of experiences in Sri Lanka, they became very tightly bonded and supportive of one another. When we returned to physical meetings post COVID-19, the women initially would not agree to mix in with men again, which meant a change in counsellor. However, the recent consultations on CRSV have seen a mixed gender group of 50 people participate because there were not enough resources to segregate them. At first, the women were very muted, but as time has passed, their participation in the dialogue has enabled them to occupy space and express their own views. The feedback from men and women from these sessions has been very positive: “I was confused as to how I am going to come out from the trauma caused by the sexual violence but these sessions have given some hope.”

RECOMMENDATIONS

1. Perform Outreach to Address the Justice Deficit and Manage Victim/Survivor Community Expectations

When the voices of victims/survivors are silenced, their pain and suffering disregarded, their quest for truth and justice denied, it creates a sense of injustice and a deep sense of mistrust in the system. This breeds feelings of marginalization and exclusion and an acute desire for retribution. By acknowledging and validating the experiences of victims/survivors, providing opportunities for their voices to be heard, and promoting a comprehensive understanding of history, societies can work toward breaking the cycle of trauma and building a foundation of truth, justice, and healing that mitigates the risk of radicalization.

Victims'/survivors' feeling of rage and betrayal over the absence of justice and accountability in Sri Lanka is increasing exponentially as time goes by. There is a huge gulf between victims'/survivors' aspirations for justice and actual reality. The sense of anger over the gap poses a risk to any future transitional justice initiatives. We see this increasing frustration not only in the victims/survivors in the project and in Sri Lanka but also in the wider Diaspora. To have impact, victims/survivors—irrespective of their geographical location—need to be able to work together for achievable goals, rather than fragment in division, and ground those goals in what is possible in the current political climate.

We propose a series of bilingual, expert-led outreach sessions initially with ITJP staff and victims/survivors in the SAST project and then more widely with the Sri Lankan Tamil community and the community organizations providing trauma and counselling services as well as legal aid to discuss opportunities that currently exist for progress on accountability and justice; and also a parallel series of meetings between families of the disappeared in Sri Lanka and other victim/survivor groups with Colombo-based diplomats so they understand firsthand the situation on the ground.

2. Include the “Wicked Fairy Godmother” groups

In the fairy tale “Sleeping Beauty,” the wicked fairy godmother is not invited to the princess's christening and so puts a curse on her that comes into effect 15 years later. Similarly, excluding groups that are perceived as more difficult has a price down the line. Donors, including member states supporting and funding transitional justice mechanisms for Sri Lanka, need to have a more holistic, historically informed, multi-disciplinary, and consultative approach that incorporates not just the views of compliant political groupings who are thought to be easy to work with but also more radical groups and victims/survivors who feel angry, betrayed, and excluded. Victims' groups don't want truth recovery on its own, and are forceful in saying that it cannot substitute for criminal accountability reparations and the guarantee of non-recurrence.

Victims/survivors also complain that they are sought for meetings with donors only in advance of, for example, a Preventing Sexual Violence in Conflict Initiative summit and only as generic examples of a victim/survivor without reference to the political specificities of the country they come from and its track record on CRSV prevention—and without regard to the donor's engagement with deniers, including government and the security forces, in Sri Lanka. They are

also extremely angry that the UN (OHCHR) needs and wants their testimony for accountability for past violations but refuses to acknowledge or engage with current CRSV violations that continue in Sri Lanka. This sort of selective approach is damaging for the victims/survivors.

We propose a series of ongoing, in-person, confidential meetings between donors, UN agencies and special mandate holders, Geneva core group member states with (a) victims/survivors (including recent ones) and, separately, (b) excluded diaspora groups abroad. Group meetings should be held so that victims/survivors do not have to keep on being retraumatized by revisiting these issues with multiple stakeholders. Psychosocial support is to be provided for participants and a feedback loop ensured for victims/survivors to know what the impact of their advocacy is.

3. Commit to Integrating Documentation and Psychosocial Support

There needs to be more advocacy with donors who support CRSV documentation, and we must ensure that, as a norm, they include substantive psychosocial support into the initial design of all projects. The ITJP's sister psychosocial support program, SAST, has been critical for witness protection and at times has literally saved lives. "Without the counsellor, I wouldn't be here today," said one suicidal victim, although the ITJP has struggled to convince donors of the link. Without the ability to offer this psychosocial support, the documentation process could be perceived as extractive and exploitative.

We propose a roundtable meeting of donors who fund work on CRSV documentation and a subgroup who fund work on Sri Lanka and CRSV to discuss a donor pledge to include a percentage of grant funding for documentation to be allocated for victim/survivor support, which would include trauma and counselling support, legal assistance, and basic necessities.

4. Integrate the Work of Psychosocial Practitioners Overseas and the People Inside the Country in a Holistic Fashion as Part of Any Reconciliation Process

The ITJP support group is supporting victims/survivors abroad to become professional counsellors who understand the pain and suffering of victims/survivors in the country of origin, and also have space and time to develop their thinking outside the country. The SAST program in London is an incubator for ideas where profound experiences can be processed by victims/survivors in a secure environment, although this learning is not being shared with practitioners in Sri Lanka. Likewise, the survivor staff abroad have left their country and can learn from the developments and impediments inside Sri Lanka in delivering mental health care.

We propose more investment to leverage the learning from the project and forge connections between Sri Lankans abroad and organizations working on the same issues inside the country through in-person training and exchanging practices in online supervision sessions.

5. Conduct Intergenerational Trauma Research

Sri Lankans affected by the conflict include individuals who were born before, during, or after the war. Transgenerational transmission of trauma encompasses more than mere transmission, as it involves the impact on subsequent generations through exposure to unspoken memories and experiences stored in the unconscious mind. These experiences become entrenched within the family unit. Each successive generation is affected, leading to a new emerging generation that Tamil case workers inside and outside the country describe as displaying increased aggression or turning inward, as well as forming potentially violent and dangerous group tendencies. Intergenerational trauma must also take account historical events such as in Mullivaikkal at the end of the war in 2009, the enforced disappearances and killings of loved ones, the rehabilitation camps, torture, and sexual violence—all of which have caused collective trauma that may have a lasting impact on generations to come, and an enduring impact on generations of people in Sri Lanka and the diaspora. Abroad, we see this among the children of LTTE cadres who disappeared at the war's end. This is an area that needs more research. The unresolved trauma and its associated emotions fuel feelings of injustice, anger, betrayal, and resentment. In the absence of a truthful and comprehensive account of history, justice, and reparations, the younger generation seeking answers and meaning to their lives may become vulnerable to radical ideologies that offer simplistic explanations or narratives that validate their experiences of pain and victimhood.

We propose the commission of a research paper on “collective traumata,” which is a traumatization experienced by a larger population for a lengthy period of time, as an extreme long-lasting burden, as in the case of Tamils over three decades. In the period since the end of the war in 2009, they suffered from terror over months or even years, from physical cruelty, hunger, powerlessness, humiliation, and dehumanization. Such a research paper needs to explore the “survivor syndrome,” which is characterized by endless grief, and “survivor’s guilt” accompanied by an inability to speak about the pain experienced. The paper should examine this over and above mutual psychosomatic reactions and illnesses and chronic reactive aggression turned inward against self and leading to a chronic reactive depression.

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Endnotes

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- 33 ITJP, “Unsilenced: Male Survivors Speak of conflict related sexual violence in Sri Lanka,” 2018, https://itjpsl.com/assets/ITJP_unsilenced_report-final.pdf. Niriella, M. A. D. S. J. S., Adequacy of the Contemporary Legal Framework to Avoid Secondary Victimization in the Criminal Justice System in Sri Lanka: Special Reference to Rape Victims, *Marriage & Family Review* 57, no. 3 (2021): 192, <https://doi.org/10.1080/O1494929.2020.1847233>.
- 34 E Fulu, X Warner, S Miedema, R Jewkes, T Roselli and J Lang, “Why Do Some Men Use Violence Against Women and How Can We Prevent It? Quantitative Findings from the United Nations Multi-country Study on Men and Violence in Asia and the Pacific” 2013, Bangkok: UNDP, UNFPA, UN Women and UNV page 45, <https://www.undp.org/asia-pacific/publications/why-do-some-men-use-violence-against-women-and-how-can-we-prevent-it>.
- 35 <https://www.cpalanka.org/wp-content/uploads/2020/11/Law-Reform-to-combat-SGBV-PART-1-General-Centre-for-Policy-Alternatives.pdf>.
- 36 Human Rights Watch, “We will teach you a lesson,” supra note 1 at 18,19; Yogalingam Vijitha v. Wijesekara, Reserve Sub. Inspector of Police, S.C. (FR), no. 186/2001, SCM 23.8.2002.
- 37 UN General Assembly, “Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law”: resolution adopted by the General Assembly, 21 March 2006, A/RES/60/147, <https://www.refworld.org/docid/4721cb942.html>.
- 38 Feedback from survivors, ITJP (Mar 2023): “This helps us not to scatter our thoughts and concentrate on art class”; “It changes our confusing minds into peaceful and happy minds”; “Our feelings are expressed through this session.”
- 39 Feedback from survivors (ITJP, Mar 2023): “ITJP solves our immediate problems very quickly as we are alone”; “We are able to get solutions to our problems. We are being treated as a family.”
- 40 Collective trauma is an earth-shattering episode in a group’s history that has a profound, lasting impact on entire communities and even on generations after the traumatic event (Bouchat et al., 2017; Hirschberger, 2018). A traumatic event that affects an entire society is not merely a set of historical facts, but a tragedy that is represented in the collective memory of the group. (Hirschberger, 2018, p. 1).
- 41 K. Anasarias and B. Escalante, “Healing traumatic wounds of war,” *Balitang Balay*, vol. 9, nos. 2-3 (2001).
- 42 Quote from Shari Eppel, Amani Trust Zimbabwe, “Healing the dead to transform the living: Exhumation and reburial in Zimbabwe,” *Regional and Human Rights’ Contexts and DNA* (University of California, Berkeley, 26-27 April 2001).
- 43 CRSV consultation meeting notes.
- 44 Feedback from Survivors, ITJP (Mar 2023): “Counsellor feels our problems as his and provides solutions for us”; “I get mind relief during this session as the counsellor understands us and discusses accordingly”; “It gives us hope to live.” Feedback ITJP (Mar 2023): “We are able to discuss and share a lot of things with X and get a solution. She is friendly with us. Instead of calling 111 or 999, we used to call X’s number.”
- 45 Niriella, M. A. D. S. J. S. (2021).
- 46 Statement to the Human Rights Council on 2 June 2022 titled “Strengthening accountability and justice for serious violations of international law,” <https://www.ohchr.org/en/statements/2022/06/strengthening-accountability-and-justice-serious-violations-international-law>.
- 47 “We feel loneliness after we came here—we are not willing to socialise with our people, we end up feeling hopeless, in a disturbed state, confused what to do next. We don’t talk to people much, we try to be alone, not mingling with others, not hungry. Sometimes we find it difficult to forget what happened, due to vivid memories coming back.”
- 48 The ITJP fought hard for their views to be included in the consultation process in 2016 in Sri Lanka and conducted a survey: “Forgotten: Sri Lanka’s exiled victims” (2016): <https://itjpsl.com/reports/forgotten-sri-lankas-exiled-victims-2016>.
- 49 As one female survivor put it, “The whole community is affected by sexual violence.”
- 50 Rawidowicz, 1967: 423; Hirschberger & Ein-Dor, 2020; Hirschberger, Ein-Dor, et al., 2016; Kelman, 1992; Schori-Eyal, Klar, & Ben-Ami, 2017; Schori-Eyal, Klar, Roccas, & McNeill, 2017; Wohl et al., 2010.
- 51 ITJP Witness 341.
- 52 ITJP Witness 125.
- 53 “An Unfinished War,” ITJP (2014): <https://itjpsl.com/reports/an-unfinished-war-2014>. “A Still Unfinished War,” ITJP (2015): <https://itjpsl.com/reports/a-still-unfinished-war-2015>. “Silenced,” ITJP (2016): <https://itjpsl.com/reports/silenced-survivors-of-torture-and-sexual-violence-2016>. “Torture 2020-2021,” ITJP (2021): <https://itjpsl.com/reports/torture-2020-21>. Etc.
- 54 “The Navy: A collective blind eye,” ITJP (2019): <https://itjpsl.com/reports/the-navy-a-collective-blind-eye>. “Terrorism Investigation Division,” ITJP (2019): <https://itjpsl.com/reports/terrorism-investigation-division>. “The Special Task Force,” ITJP (2018): <https://itjpsl.com/reports/the-special-task-force>.
- 55 “Joseph Camp,” ITJP (2017): <https://itjpsl.com/reports/joseph-camp>.
- 56 <https://itjpsl.com/reports/the-case-against-jagath-jayasuriya>.
- 57 <https://itjpsl.com/reports/gotabaya-rajapaksa-complaint>.
- 58 <https://itjpsl.com/press-releases/torture-victims-plan-to-refile-case-against-sri-lankan-president-when-he-leaves-office>.
- 59 The “Basic Principles and Guidelines on the Right to a Remedy and Reparations for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (Basic Principles)” further clarify this right. These Principles indicate the types of reparation that may be needed, depending on the particular circumstances of the case, to afford adequate and effective reparation to victims, explicitly recognizing five forms of reparation for such violations: restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition; Joint Orentlicher Principles.
- 60 Shelton, D., *Remedies in International Human Rights* (Oxford University Press, 2005): 275.
- 61 Feedback forms.
- 62 Social suffering, as conceptualized by Arthur Kleinman, refers to the adverse effects experienced by individuals and communities due to distress resulting from structural inequalities, discrimination, systemic violence, poverty, displacement, or other adverse social conditions. It recognizes the social and cultural dimensions of suffering and emphasizes the impact of sociopolitical factors on individuals and communities. Kleinman’s perspective highlights the importance of understanding the sociocultural context and collective experiences of suffering. By recognizing social suffering, we can address the broader structural factors that contribute to individual and community distress. This perspective encourages a more comprehensive approach to mental health and well-being, considering social, economic, and political factors alongside individual experiences.
- 63 https://www.un.org/peacebuilding/sites/www.un.org/peacebuilding/files/documents/12-58492_feb13.pdf.
- 64 GSF Consultation notes, 13 July 2023.



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