CHAPTER-3

REFUGEE SITUATION AND REHABILITATION IN SRILANKA AND AFGHANISTAN

INTRODUCTION:

The Democratic Socialist Republic of Sri Lanka is an island country in the northern Indian Ocean off the southern coast of the Indian subcontinent in South Asia, known until 1972 as Ceylon. Sri Lanka has maritime borders with India to the northwest and the Maldives to the southwest. Sri Lanka's documented history spans three thousand years Sri Lanka is the home of many religions, ethnicities and languages. Sri Lanka is a republic and a unitary state governed by a presidential system. The capital Sri Jayawardenapura-Kotte, named by a president after himself, is a suburb of the largest city, Colombo. Sri Lanka has been called The Pearl of the Indian Ocean because of its shape and location. The country has had a long history of international engagement, being a founding member of SAARC and a member of United Nations, Commonwealth of Nations, G77 and Non-Aligned Movement. Sri Lanka is the oldest democracy in South Asia.

Sri Lanka is governed by a semi-presidential system, with a mixture of a presidential system and a parliamentary system. It constitutes a parliamentary system governed under the constitution. Sri Lanka is a founding member of the Non-Aligned Movement (NAM). It has cultivated relations with India while avoiding sacrificing independence. It became a member of the United Nations in 1955. Sri Lanka also is a member of the Commonwealth, the SAARC, World Bank, International Monetary Fund, Asian Development Bank and the Colombo Plan.

Officially, the constitution of Sri Lanka guarantees human rights as ratified by the United Nations. However human rights in Sri Lanka have come under criticism by Amnesty International and Human Rights Watch, as well as the United States Department of State. Both the separatist Liberation Tigers of Tamil Eelam (LTTE) and the Government of Sri Lanka are accused of violating human rights. A report by an

advisory panel to the UN secretary-general has accused both the LTTE and the Sri Lankan Government of alleged war crimes during final stages of the civil war. The UN Human Rights Council has documented over 12,000 named individuals who have undergone disappearance after detention by security forces in Sri Lanka, the second highest figure in the world, since the Working Group came into being in 1980. The Sri Lankan Government has confirmed that 6,445 of these are dead. Allegations of human rights abuses have not ended with the close of the ethnic conflict.

**Independence**

Following the war, popular pressure for independence intensified. The office of Prime Minister of Ceylon was created in advance of independence on 14 October 1947, Don Stephen Senanayake being the first prime minister. On February 4, 1948 the country won its independence as the Dominion of Ceylon. The island enjoyed good relations with the United Kingdom and had the British Royal Navy stationed at Trincomalee. On July 21, 1960 Sirimavo Bandaranaike took office as prime minister, and became the world's first female prime minister and the first female head of Government in post-colonial Asia. In 1972, during Sirimavo Bandaranaike's second term as prime minister, the country became a republic within the Commonwealth, and the name was changed to Sri Lanka.

**Demographics**

Sri Lanka is the 53rd most populated nation in the world, with an annual population growth rate of 0.73%. Sri Lanka has a birth rate of 17.6 births per 1,000 people and a death rate of 6.2 deaths per 1,000 people\(^3\). Population density is highest in western Sri Lanka, especially in and around the capital. Sinhalese constitute the largest ethnic group in the country, with 74.88% of the total population. Sri Lankan Tamils are the second major ethnic group in the island, with a percentage of 11.2. Sri Lankan Moors comprise 9.2%. Tamils of Indian origin were brought into the country as indentured labourers by British colonists to work on estate plantations. Nearly 50% of them were repatriated following independence in 1948, they are distinguished from the native Tamil population that has resided in Sri Lanka since ancient times. There are also small ethnic groups such as the Burghers (of mixed European descent) and Austronesian peoples from Southeast Asia. Moreover, there is a small population of Vedda people who are believed to be the original indigenous group to inhabit the island.

Sinhalese and Tamil are the two official languages of Sri Lanka. The Constitution defines English as the link language. English is widely used for education, scientific and commercial purposes. Members of the Burgher community speak variant forms of Portuguese Creole and Dutch with varying proficiency, while members of the Malay community speak a form of Creole Malay that is unique to the island.

Sri Lanka is also a multi-religious country. 70% are Buddhists, most of whom follow the Theravada school of Buddhism. Buddhism was introduced to Sri Lanka in the 2nd century BCE by Venerable Mahinda. Hinduism is the second most prevalent religion in Sri Lanka and predates Buddhism. Today, Hinduism is dominant in Northern, Eastern and Central Sri Lanka. Islam is the third most dominant religion in the country, having first been brought to the island by Arab traders, over the course of many centuries, starting around the 7th century A.D. Most Muslims are Sunni who follow the Shafi'i school. Most followers of Islam in Sri Lanka today are believed to be descendants of these Arab traders and the local women they married.

<table>
<thead>
<tr>
<th>Religion</th>
<th>Percent</th>
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<tbody>
<tr>
<td>Buddhism</td>
<td>70.19%</td>
</tr>
<tr>
<td>Hinduism</td>
<td>12.61%</td>
</tr>
<tr>
<td>Islam</td>
<td>9.71%</td>
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<tr>
<td>Christianity</td>
<td>7.45%</td>
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Christianity was also brought into the country by Western colonists in the early 16th century. Around 8% of the Sri Lankan populations are Christians. Out of those, 88% are Roman Catholics, who trace their religious heritage directly to the Portuguese. The rest of the Christians are evenly split between the Anglican Church of Ceylon and other Protestant faiths. There is also a small population of Zoroastrian immigrants from India (Parsis) who settled in Ceylon during the period of British rule. Religion plays a prominent role in the life and culture of Sri Lankans.

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Commonwealth, the SAARC, World Bank, International Monetary Fund, Asian Development Bank and the Colombo Plan.

Since independence in 1948, the primary focus of the armed forces has been internal security, crushing three major insurgencies, two by Marxist militants of the JVP and a 30 year long conflict with the LTTE which has been proscribed as a terrorist organisation by 32 countries. The armed forces have thereby expanded to its current size and are in a continuous mobilised state for the last 30 years. Marking a rare occurrence in modern military history, Sri Lankan military was able to bring a decisive end to the Sri Lankan Civil War in May 2009. Sri Lanka claimed itself the first country in the modern world to eradicate terrorism on its own soil. Sri Lankan Armed Forces have engaged in United Nations peacekeeping operations since the early 1960s. It has contributed with forces as permanent contingents deployed in several UN peacekeeping missions in Chad, Lebanon and Haiti.

The Ethnic conflict in Sri Lanka

It is a conflict mainly between Sinhalese and Tamils and conflict between Tamils and Muslims. The conflict started to appear when Kalinga Magha, a Tamil invader claiming Kalinga (Orissa) lineage invaded Kingdom of Rajarata in 1215. He invaded the North part of Sri Lanka with a huge Pandyan army. From 1215 to 1326 significant Tamil migration happened from India to Sri Lanka in the form of invasions. They settled mainly in the Jaffna Peninsula. Small settlements were also occurred in Vanni4. Many battles erupted between Sinhalese and Tamils between 1215 to 1450. But during the times of Portuguese, Dutch, British; conflicts between Sinhalese and Tamils settled down. They tried to cooperate with each other to face the common enemy. But since the later stage of British administration and after the independence, conflicts started rising again. It started as a political battle for power in the Parliament5. In the 20th century, the majority Sinhala community started discriminating against the minority Tamils and the minority demands became excessive and unfair. Ultimately a civil war erupted from 1983 to 2009. In 2009 Sri Lankan armies defeated the LTTE to end the civil war. Even after the civil war, there

were conflicts between different ethnic groups. There was also a conflict for chief minister post and majority of power in Eastern province council between Muslims and Tamils. Also Tamils resisted the Sinhalese settlements in districts of North province - Mannar, Vavuniya, Kilinochchi, and Mullaitivu which have the lowest population densities in Sri Lanka.

The Civil War

The Civil war was a conflict fought on the island of Sri Lanka. Beginning on 23 July 1983, there was an intermittent insurgency against the Government by the Liberation Tigers of Tamil Eelam (the LTTE, also known as the Tamil Tigers), a separatist militant organisation which fought to create an independent Tamil state called Tamil Eelam in the north and the east of the island. After a 26-year military campaign, the Sri Lankan military defeated the Tamil Tigers in May 2009, bringing the civil war to an end.

For over 25 years, this civil war caused significant hardships for the population, environment and the economy of the country, with an estimated 80,000–100,000 people killed during its course. During the early part of the conflict, the Sri Lankan forces attempted to retake the areas captured by the LTTE. The tactics employed by the Liberation Tigers of Tamil Eelam against the actions of Government forces resulted in their listing as a terrorist organisation in 32 countries, including the United States, India, Canada and the member nations of the European Union. The Sri Lankan Government forces have also been accused of human rights abuses, systemic impunity for serious human rights violations, lack of respect for habeas corpus in arbitrary detentions and forced disappearances.

After two decades of fighting and four failed tries at peace talks, including the unsuccessful deployment of the Indian Army, the Indian Peace Keeping Force from 1987 to 1990, a lasting negotiated settlement to the conflict appeared possible when a ceasefire was declared in December 2001, and a ceasefire agreement signed with international mediation in 2002. However, limited hostilities renewed in late 2005 and the conflict

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7 Ravindran, I. P., 'Refugee Resources: Sri Lankan Tamils in India,' Forced Migration Review No. 33., 2009, pp 45
began to escalate until the Government launched a number of major military offensives against the LTTE beginning in July 2006, driving the LTTE out of the entire Eastern province of the island. The LTTE then declared they would "resume their freedom struggle to achieve statehood".

In 2007, the Government shifted its offensive to the north of the country, and formally announced its withdrawal from the ceasefire agreement on 2 January 2008, alleging that the LTTE violated the agreement over 10,000 times. Since then, aided by the destruction of a number of large arms smuggling vessels that belonged to the LTTE, and an international crackdown on the funding for the Tamil Tigers, the Government took control of the entire area previously controlled by the Tamil Tigers, including their de facto capital Kilinochchi, main military base Mullaitivu and the entire A9 highway, leading the LTTE to finally admit defeat on 17 May 2009. Following the end of the war, the Sri Lankan Government claimed Sri Lanka as the first country in the modern world to eradicate terrorism on its own soil. Following the LTTE's defeat, pro-LTTE Tamil National Alliance dropped its demand for a separate state, in favour of a federal solution. In May 2010, Mahinda Rajapaksa, the president of Sri Lanka, appointed the Lessons Learnt and Reconciliation Commission (LLRC) to assess the conflict between the time of the ceasefire agreement in 2002 and the defeat of the LTTE in 2009.

**Resistance of Ethnic**

The problem of the Tamils began earlier than the 1950s. After the independence in 1948 Sri Lankan Government felt that the Tamils were not the citizen because they had Indian ancestry. A few of them were given citizenship, but the majority of the citizenship applications from the Tamils were rejected. If a parent didn’t have citizenship, no one in the family could be a citizen; therefore most of the Tamils continued to live in the tea estates without status. To solve the statelessness problem of the Tamils, in 1964 Sri Lanka and India signed the Srimavo-Shastri pact (amended in 1974 by the Srimavo-Indira Gandhi pact)\(^8\) through which both the Government decided the three points solution. The first one is: out of 975,000 Tamils, 525,000 people would be granted Indian

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citizenship and repatriated to India over the course of 15 years along with their natural increase.

The second point solution is: 300,000 persons, along with their natural increase, would be given Sri Lankan citizenship; and the third is: status of 150,000 remaining people would be subject to further negotiations between the two Governments. The process of repatriation of the Indian citizens, however, was very slow and this repatriations process interrupted during 1984 due to large scale violence in Sri Lanka and a subsequent refugee flow to India, only 337,066 Indian citizens in addition to their natural increase of 125,385 had been repatriated, while 84,141 and the natural increase to their families remained on the island awaiting repatriation to India. Many repatriated Indian Tamils were not able to find their roots and had to start their lives afresh as foreigners while living in deplorable conditions on tea estates in the Niligiri hills area of Tamil Nadu state, India and in other underdeveloped places. Meanwhile in Sri Lanka the future of the 84,141 Indian passport holders plus their natural increase remained ambiguous for many years until the decision were made by the Sri Lankan cabinet in 2003 to confer citizenship on the Indian passport holders along with 84,000 Tamils born in Sri Lanka after 1964. The Tamils cannot call themselves the sons of the soil even though they have been in Sri Lanka for the last 200 years. They were bonded laborers who lived in the estates for generations. Their children did not go to school, and they didn’t have facilities such as proper accommodations, health care, and education. Still they are living in the estates and working hard to earn some little money. The Tamils remain the poorest among all ethnic groups in Sri Lanka. They have never owned land and are the most marginalized section of Sri Lanka’s labor force. Moreover, their situation worsened when Sinhala was made the official language and this also causes the large scale discrimination against minority Tamil. The discrimination against the Tamil population continued throughout the 1960s as Buddhism was given the primary place in the state and the number of Tamils employed by the state and admitted into institutions of higher learning was greatly restricted. During this period Tamilians responded to their oppression largely through a political and a non-violent protest movement. In the 1970s,

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however, there was an increased trend towards Tamil separatism and militancy\textsuperscript{10}. By 1978, various militant groups had formed the group Liberation Tigers of Tamil Eelam (LTTE) which was in favor of a separate Tamil state. The group demands a separate province for minority Tamils in the island’s north and eastern part. The demand of LTTE was not taken into consideration by the Sinhalese dominated Government and in result of this conflict between the Government and LTTE escalated. The Tamils were the first ones to be displaced and were forced to move to northern parts of Sri Lanka which is largely Tamil inhabited. Even in this region, they were not accepted by other Tamils and had to live in fringe lands around the local Tamils. They were treated by the local Tamils in similar ways the way they had been treated by the Sinhalese tea estate owners. As the dispute intensified in Tamil territories in northern Sri Lanka, the Tamils were forced to flee to India as refugees. Muslim and Sinhalese people living in Tamil majority region asked to leave due to threats against them. Loss of lives, including that of breadwinners, severe and permanent disability, destruction of personal and productive assets, loss of income, psychological trauma, accompanied by alienation and isolation along with enduring sense of uncertainty the scars of war go deep to produce a sociological reality and complexity that is staggering in its social, economic, and psychological dimensions. Many of those displaced including those living in organized camps continue to be extremely vulnerable to violence and harassment by the Tamil Tigers, other armed groups, and even members of the Sri Lankan security forces. According to UNHCR the number of internally displaced population in Sri Lanka is currently around 800,000.

However, the recent data shows that during the month of January and April 2006 a total of 39,883 Tamil populations were reached to India as refugee\textsuperscript{11}. From this figure we can assume that how much intense would be the ongoing conflict in Sri Lanka. Similarly, a report released by Amnesty International also describes as insecurity increases, people who have already been displaced several times are being forced to move yet again. Many have been unable to return home for decades and the increase in military activity is a major barrier preventing them from resettling and rebuilding their lives. As the conflict became more intense, people living in the Tamil community faced brutal massacre, displacement from time to time and are affecting in their social life and

\textsuperscript{11} UNHCR, website: unhcr.org/refugee updates.2006
economic activities. The deprivation in the countryside in relation to the destruction of agriculture, lack of health, education and transport facilities, and non-maintenance of roads was due to the colossal amount of money spent on the war. As a result of this, people did not have any alternatives to maintain their life and family, as well as fear of violence forcing the people to migrate as refugee.

The impact of Civil war

One of the aspects of the independence movement was that it was very much a Sinhalese movement. As a result, the Sinhalese majority attempted to remodel Sri Lanka as a Sinhalese nation-state. The lion in the national flag is derived from the banner of the last Sinhalese Kingdom, which, to the Sinhalese majority, is a symbol of their fight against British colonialism. One single strip of orange on the left part of the flag represents the Tamil population, and it is seen by many Tamil as a symbol of their marginalisation.\(^\text{12}\)

In 1956, the Official Language Act (commonly known as The Sinhala Only Act) was enacted. The law mandated Sinhala, the language of Sri Lanka's majority Sinhalese community, which is spoken by over 70% of Sri Lanka's population, as the sole official language of Sri Lanka. Supporters of the law saw it as an attempt by a community that had just gained independence to distance themselves from their colonial masters.

The immediate (and intended) consequence of this act was to force large numbers of Tamil who worked in the civil service, and who could not meet this language requirement, to resign. An attempt to make Buddhism the national religion, to the exclusion of Hindu and Islam, was also made. Affirmative action in favour of Sinhalese was also instituted, ostensibly to reverse colonial discrimination against Sinhalese in favour of Tamil. Many Tamil, in response to this deliberate marginalisation, came to believe that they deserved a separate nation-state for themselves.

From 1983 to 2009, there was an on-and-off civil war against the Government by the Liberation Tigers of Tamil Eelam (LTTE), a separatist militant organization who fought to create an independent state named Tamil Eelam in the North and East of the island. Both the Sri Lankan Government and LTTE have been accused of various human rights violations.

\(^{12}\) "Asia Times: Chapter 14: Post-colonial realignment of political forces" 2011(online).
On May 19, 2009, the President of Sri Lanka officially claimed an end to the insurgency and the defeat of the LTTE, following the death of Velupillai Prabhakaran and much of the LTTE's other senior leadership.\(^\text{13}\)

After the civil war was over, the Government of Sri Lanka called for redevelopment of the nation. The final stages of the war left some 300,000 people displaced.\(^\text{14}\) By 2 May 2010, 214,227 IDPs (74%) had been released or returned to their places of origin.\(^\text{15}\)

**Alleged war crimes**

Allegations of war crimes have been made against the rebel Liberation Tigers of Tamil Eelam (Tamil Tigers) and the Sri Lankan military with much attention given to the final months of the Civil War in 2009. The alleged war crimes include attacks on civilians and civilian buildings by both sides; executions of combatants and prisoners by both sides; enforced disappearances by the Sri Lankan military and paramilitary groups backed by them; acute shortages of food, medicine, and clean water for civilians trapped in the war zone; and child recruitment and attacks on targeting civilian including suicide bombings and attacks on civilian aircraft by the Tamil Tigers.

**Humanitarian Impact**

Towards the end of the war, as Sri Lankan Government forces advanced deeper into Tamil Tiger controlled areas, international concern grew for the fate of the 350,000 civilians trapped. On 21 January 2009, the Sri Lankan military declared a 32 square kilometres (12.4 mi) Safe Zone located northwest of Puthukkudiyiruppu\(^\text{16}\), between the A35 Highway and the Chalai Lagoon. Sri Lankan Air Force aircraft dropped leaflets urging civilians to relocate to the safe zone and wait until the army could move them into safer locations. The Sri Lankan military promised not to fire into the area. However, only small numbers of civilians actually crossed into the Safe Zone, and the Sri Lankan

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\(^\text{15}\) "Joint Humanitarian Update: North East Sri Lanka" (PDF). UN Office for the Coordination of Humanitarian Affairs. 2009-09-11.

Government, the United Nations, and human rights organisations accused the LTTE of preventing civilians from leaving. The fighting eventually caused civilians to flee the safe zone to a narrow strip of land between Nanthi Kadal and the Indian Ocean. The Sri Lankan military declared a new 10-square-kilometre (3.9 sq mi) Safe Zone northwest of Mullaitivu on 12 February. Over the next three months, the Sri Lankan military repeatedly attacked the Safe Zone with aircraft and artillery to destroy the last remnants of the Tamil Tigers trapped there. The Sri Lankan Government claimed that it was trying to hit Tamil Tiger positions, and claimed that these raids started on 15 February and ended on 19 April, the day before the Army breached Tamil Tiger defences, and civilians started to pour out. However, these attacks caused heavy damage. Thousands of civilians were killed or injured, and the Tamil Tigers reportedly held many as human shields.

The final stages of the war created 300,000 internally displaced persons (IDPs) who were transferred to camps in Vavuniya District and detained there against their will. The camps were surrounded by barbed wire. This, together with the conditions inside the camps, attracted much criticism from inside and outside Sri Lanka. After the end of the civil war President Rajapaksa gave assurances to foreign diplomats that the bulk of the IDPs would be resettled in accordance with the 180 day plan. By January 2012, almost all the IDPs had been resettled, except 6,554 from the Divisional Secretariats of Mullaitivu district, where the de-mining work was yet to be finished.

Since 1983, the civil war caused mass outflow of Tamil civilians from Sri Lanka to South India. After the end of the war, nearly 5,000 of them returned to the country. As of July 2012, 68,152 Sri Lankans were living in South India as refugees.

Role of the ICRC in Rehabilitations

The ICRC has worked in Sri Lanka since 1989. Operations focus on protecting and assisting civilians affected by the past armed conflict; visiting detainees and enabling family members to remain in touch; providing water supply and economic security for

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17 Sanjana Hattotuwa, Nigel V. Nugawela, The End of War in Sri Lanka: Reflections and Challenges,, Centre for Policy Alternatives, 2010 - 162 pages
19 ‘In Sri Lanka, permission for the entry of humanitarian personnel into the country requires three levels of authorization, including the relevant line ministries and the Ministries of Defence and Foreign Affairs. The result is delays in staff deployments and significant staff hours consumed processing the required documents’ The Report of the Secretary-General on the Protection of Civilians, 29 May 2009, S/2009/277, pg 19.
IDPs, returnees and resident communities; improving access to physical rehabilitation facilities; and supporting military training in IHL\textsuperscript{20}.

In August 2011, the state of emergency that had been in place, intermittently, for 28 years was lifted as Sri Lanka continued its recovery from the former armed conflict that ended in May 2009. Most of the 280,000 civilians displaced at the end of the conflict and accommodated in camps had returned to their areas of origin, some as part of a Government-led process that began in 2009. Thousands remained unaccounted for, leaving relatives without definitive information about their fate. While travel restrictions were lifted in July, independent humanitarian access to most former conflict areas remained strictly regulated. While the lifting of the state of emergency meant that the Emergency Regulations no longer applied, people allegedly affiliated with the Liberation Tigers of Tamil Eelam (LTTE) continued to be detained in prisons and detention centres under the Prevention of Terrorism Act. Others were held in so-called rehabilitation centres, though many were released from these centres during 2011\textsuperscript{21}.

Despite very restricted space for independent humanitarian action, the ICRC continued to contribute to addressing the consequences of the former armed conflict, operating whenever possible in partnership with the Sri Lanka Red Cross Society. ICRC delegates visited detainees, including those arrested and held in relation to the former armed conflict, with a focus on those held under the Emergency Regulations or suspected of affiliation with the LTTE. They checked on inmates’ treatment and living conditions and reported their findings and recommendations confidentially to the detaining authorities.

With the National Society, the ICRC facilitated a number of family visits to detained relatives. To assist the authorities in improving detention conditions, particularly in relation to overcrowding, the ICRC organized environmental engineering assessments of four prisons, identifying areas for improvement and providing realistic proposals for remedial action. Subsequently, rehabilitation work began and the ICRC discussed with the authorities administrative factors contributing to overcrowding, as well as possible

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\textsuperscript{20} Human Rights Watch, War on the Displaced: Sri Lankan Army and LTTE Abuses Against Civilians in the Vanni, 2009 – pp 9

\textsuperscript{21} International Review of the Red Cross, - No. 883 – Engaging armed groups, published by the International Committee of the Red Cross (ICRC) and Cambridge University Press, 2011, pp 33
\end{flushleft}
solutions, such as respect for judicial guarantees. Meanwhile, the ICRC supported a Health Ministry workshop aimed at developing a national plan of action to facilitate the identification of human remains through proper management. Following a Government order issued in late 2010 to close the ICRC’s remaining sub-delegations in the north and curtail planned assistance activities, several proposed programmes to assist resettling or returning populations did not take place. Cancelled programmes included the provision of seed and tools to farmers to boost crop production; the provision of tackle to fishermen to help them resume livelihood activities; cash grants or vocational training to vulnerable families to invest in improving their future; and the rehabilitation and/or extension of municipal water systems. To help ensure vulnerable communities could nonetheless meet their own needs, the ICRC donated tractors and agricultural toolkits purchased for its aforementioned livelihood-support activities mainly to the Sri Lankan Red Cross to aid its emergency response for victims of January’s floods.

The organization also financed part of the National Society’s appeal for the provision of essential household items for flood victims and enhanced its capacity to provide clean water to affected communities. Furthermore, the National Society/ICRC launched a pilot initiative in October whereby vulnerable households in the north received cash grants and business management training. An ICRC-supported National Society mobile health clinic also continued providing consultations to patients in Jaffna, where hospitals were not yet fully functioning. By providing such financial, material and technical support, the ICRC aimed to strengthen the Sri Lankan Red Cross’s capacity to work independently, particularly when responding to emergencies. At an institutional level, such support saw the branches in Kilinochchi and Mullaitivu restored to full working order, and a training facility was established for national and northern branches in Anuradhapura. Meanwhile, efforts to enable people with conflict-related disabilities to live in dignity continued, with the ICRC providing technical and material support to the Jaffna Jaipur Centre for Disability Rehabilitation (JJCDR) in the north and to the Navajeevana physical rehabilitation centre in the south. Severely disabled patients accessed services at Vavuniya General Hospital.

While IHL promotion continued amongst influential members of society, the pace of activities targeting Government institutions remained slow. Similarly, support to the armed forces in teaching troops about IHL was adversely affected by the ICRC’s limited
access to regions they were predominantly deployed in. However, some presentations did take place, dialogue with senior officers resulted in a concrete plan for the direction of future ICRC support, and at the request of the Sri Lankan Army (SLA), the ICRC conducted redeployment briefing sessions for troops involved in UN peacekeeping missions.

**People deprived of their freedom**

Thousands of people continued to be held in relation to the former armed conflict at temporary and permanent places of detention around the country, and arrests continued. When the state of emergency was lifted, inmates held in connection with the former armed conflict were detained under the Prevention of Terrorism Act. The ICRC monitored the application of such detention related laws and abandoned its fruitless efforts to obtain access to people held in rehabilitation centres. Some 17,700 detainees, including those held in temporary places of detention and special police units, received visits from the ICRC, according to its standard procedures, with 2,377 monitored individually. Following all visits, ICRC delegates made confidential reports to the relevant detaining authorities containing their findings and any recommendations with regard to detainees’ treatment, living conditions and judicial guarantees. Such dialogue led to detainees at one jail being granted access to an outdoor area for between one and three hours a day. Detainees maintained contact with their relatives through RCMs and/or ICRC-funded visits. After former LTTE fighters who had surrendered were released from rehabilitation centres in September 2011, demand for family visits fell, with the exception of Batticaloa Prison, where visits increased as relatives in the area learnt of the programme from the National Society. In some cases, families had not seen their detained relatives for several months because they could not afford the bus fare to the prison. Clothing kits and hygiene items aimed to improve the quality of life for some 12,800 detainees, and recreational items, including indoor/outdoor games and library books, helped to ease the monotony of incarceration for inmates at several prisons. Efforts made by the prison authorities to produce their own food and involve the detainees in agricultural activities were also bolstered by an ad hoc ICRC donation of 17 tractors and 100 agricultural tool kits to 15 open prisons (over 11,000 inmates). In 2011, 32

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released detainees benefited from assistance to return home. Mobility aids such as crutches, as well as prosthetic limbs, allowed disabled detainees to serve their sentences with more dignity, including 48 people held at Boosa detention centre who obtained prosthetic limbs through a cooperation agreement between local GO Sanasuma and the ICRC, which successfully concluded at year-end when the authorities assumed responsibility for such assistance. Authorities receive support in improving detention conditions long-term Efforts by the prison authorities to make long-term improvements to detainees’ living conditions, particularly with regard to overcrowding, were supported by environmental engineering assessments carried out by ICRC experts in four prisons. These assessments, which analyzed the nature and extent of any problems, provided the Ministry of Rehabilitation and Prison Reforms with precise and realistic proposals for remedial action and subsequently formed the basis of discussions, including on the importance of establishing a more effective health management system between the health and prison authorities. In parallel, constructive meetings between the authorities and the ICRC, and the submission of an ICRC report on overcrowding, paved the way for the implementation of specific measures to address the problem in Sri Lanka’s detention facilities. Some 4,000 detainees were better able to avoid disease following rehabilitation work, including at Welikada Prison, where three new toilet blocks were built and a further two renovated. Prison hospital authorities were made aware of the importance of introducing medical waste incinerators and TB diagnostic tests.

The Origins of Rehabilitation and the ICRC in Sri Lanka

The ICRC has worked in Sri Lanka since 1989. Operations focus on: protecting and assisting civilians affected by the recent armed conflict; visiting detainees and facilitating family links; providing adequate water supply and economic security for IDPs and resident communities; improving access to physical rehabilitation facilities; and supporting military training in IHL. Intense fighting in the Vanni peaked in early 2009 as the Sri Lankan armed forces continued to make gains into areas formerly controlled by the Liberation Tigers of Tamil Eelam (LTTE). The civilian population became trapped in the conflict zone until it was squeezed into a small coastal area between the two forces.

Many people were wounded or killed, including three ICRC staff members. On 18 May, the Government announced the end of its combat operations in the north of the country and declared victory over the LTTE, thereby ending active hostilities in the long-running armed conflict.

The LTTE acknowledged the deaths of its leaders, and fighters pledged to lay down their arms. An estimated 300,000 people were displaced by the upsurge in fighting, the vast majority of whom had arrived in Vavuniya, while smaller numbers made their way by sea to Jaffna and Trincomalee districts. These newly displaced people were housed in Government camps, to which humanitarian actors had varying degrees of access. The camps remained closed off until October, when the Government launched a resettlement process. Large numbers, however, were unable to return to their homes owing to the presence of explosive remnants of war or to a lack of facilities. At year-end, some 100,000 people remained in the Vavuniya camps. Many LTTE fighters were arrested by Government forces. IDPs in camps were screened in order to identify former fighters among them. Other members of the LTTE surrendered to the Government and were being held in so-called rehabilitation centres.

The ICRC continued supporting the Jaffna Jaipur Centre for Disability Rehabilitation, which provided comprehensive services including prosthetics, orthotics, various mobility aids (wheelchairs, tricycles, crutches etc), physiotherapy, microcredits and financial support for disabled students. It was the only centre supplying physical rehabilitation on the Jaffna peninsula. While most of the planned activities were implemented, some were not owing to the impossibility of obtaining a visa for the ICRC specialist needed to support them. The Ministry of Healthcare and Nutrition (Directorate of Rehabilitation for Youth, Elderly, Disabled and Displaced) and the Ministry of Social Services and Social Welfare shared responsibility for disability issues, the former in the medical realm (including rehabilitation), and the latter in the social realm. The total number of persons with disabilities in Sri Lanka was unknown. There were approximately 15 centres around the country providing rehabilitation. They were managed either by the Government or by local NGOs. In addition to this network, there was a school to train P&O professionals: the Sri Lankan School for Prosthetics and Orthotics. Though the situation improved during the year, disabled people on the Jaffna Peninsula continued to face many obstacles in obtaining the rehabilitation they needed.
Although distances on the peninsula are small, high fares and irregular bus service could make even a very short trip difficult and time-consuming. In order to make services more accessible, the ICRC continued to donate the materials and components needed for the centre to operate. It also continued reimbursing some patients for the cost of treatment. To cope with the increased workload, the centre began working six days a week in September. More than 1,100 people benefited from various services provided with ICRC assistance. This represented an increase of 33% over 2008. Services included the provision of 302 prostheses (44% for mine survivors), 112 orthoses (12% for mine survivors), 68 wheelchairs and 66 pairs of crutches. Children represented 4% and women 25% of the 1,126 beneficiaries. The quality of the services provided at the centres was improved by the continued mentoring and on-the-job training provided by ICRC ortho-prosthetist.

The ICRC, reminded both parties of their obligations under IHL to protect civilians, conducted evacuations from the conflict area, by sea, for more than 13,000 people, including 6,600 wounded and sick individuals. The ICRC visited 34,430 detainees, monitoring 13,490 of them individually, in 176 places of detention, with the Sri Lanka Red Cross Society, provided food, a clean water supply and essential household items to more than 230,000 IDPs from the Vanni and provided essential household items, improved water facilities and livelihood support to returnee families and vulnerable residents throughout the country following the end of active hostilities and increased restrictions on ICRC access to conflict victims, began discussions with the authorities on the organization’s future role in the new context.

During this process the ICRC made for

- 3,550 RCMs collected from civilians, including 4 from unaccompanied/separated children, and 3,417 RCMs distributed to civilians.
- new tracing requests registered for 2,365 people (316 women; 284 minors at the time of disappearance); 514 people located; 13,587 people (516 women; 1,163 minors at the time of disappearance) still being sought.

25 “Annual report 2011, Srilanka- Key facts and figures” http://www.icrc.org/Web/eng/siteeng0.nsf pp-34
- 96 unaccompanied/separated children registered; 51 cases of unaccompanied/separated children still being handled.
- 24 people issued with an ICRC travel document.
- 100 sets of human remains transferred across front lines.

Civilians were displaced, often repeatedly, as the conflict reached its peak, with front lines regularly moving. IDPs in camps, welfare centres and host communities received essential items from the National Society and the ICRC, including emergency food rations, clothing, hygiene items, kitchen utensils, tarpaulins and tents, where necessary. IDPs in makeshift reception sites had improved access to clean water and sanitation after the National Society and the ICRC disinfected wells, built, repaired or extended water systems and erected temporary latrines. The long-term displaced in welfare centres on the Jaffna peninsula also benefited from rehabilitation and extension work to water and sanitation systems. As of November, the needs of people from camps in Vavuniya resettling in the north (including in the Vanni) could not be addressed owing to the lack of ICRC access to areas of return. The returning population in Jaffna, however, received materials to build temporary shelters, and vulnerable residents were given essential household items. In addition, returnees in the east were given shelter kits and continued to use water systems and latrines constructed or rehabilitated just prior to the closure of the ICRC offices there.

Following extensive flooding on the Jaffna peninsula early in the year, residents and IDPs had clean drinking water following the rehabilitation of rural water systems and the installation of water storage facilities. 231,113 IDPs (57,779 households) received food 295,317 people (73,378 households), including 279,143 IDPs, received essential household items 47,018 IDPs benefited from water, sanitation, habitat projects.

The Rehabilitation of the Deprived People

During the active hostilities alleged LTTE fighters were arrested by the Government under the Emergency Regulations and Prevention of Terrorism Act. The end of active hostilities brought a sharp increase in the number of people arrested as they made their way out of the conflict area. The ICRC monitored the initial screening of IDPs

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at Omanthai checkpoint and registered some 9,500 of those arrested or who surrendered to security forces. Where possible, their families were then informed of their whereabouts. Alleged former LTTE members were held in large rehabilitation centres throughout the country, but mainly in the Vavuniya region, where they received visits from ICRC delegates according to the organization’s standard working procedures until access was withdrawn in July. Outside the rehabilitation centres, other people arrested in relation to the conflict, including those in police stations, received regular visits all year. Members of the armed forces held by the LTTE were visited until the end of active hostilities, when they were released. Following all visits, ICRC delegates made confidential reports to the relevant detaining authorities containing their findings and any recommendations with regard to detainees’ treatment and living conditions. Detainees were given recreational items, clothing and hygiene items, when necessary, and were able to maintain contact with their relatives through RCMs and family visits. Some 40,500 people in rehabilitation centres set up in old ill-equipped buildings benefited from tents, latrines and water storage facilities.

Medical structures in Government-controlled areas struggled to cope with the large influx of wounded and sick patients from the conflict zone. Patients in Mannar and Trincomalee hospitals benefited from the presence of an ICRC surgical team, which performed 294 surgical operations. During the mass influx of IDPs to the Government controlled area, people arriving at Omanthai crossing point received first aid from a National Society/ICRC team. The capacities of existing hospitals were temporarily increased by some 1,200 beds and construction of extra temporary wards and sanitation facilities, as well as semi-permanent wards. Hospital morgues were also upgraded and extended. A total of 16 medical facilities received supplies for as long as they remained operational. Facilities in LTTE-controlled areas suffered from dwindling staff numbers and lack of supplies. Limited Ministry of Health supplies were delivered to the conflict area on the ICRC ship carrying out medical evacuations plans for war-surgery seminars and emergency-room trauma courses were cancelled as medical staff were overstretched in dealing with high numbers of casualties. 7,200 wounded people treated in the 2 ICRC-supported first-aid posts that provided data hospitals27 (1,900 beds) benefited

from water/sanitation/habitat projects. Where necessary, patients were transferred between Jaffna Teaching Hospital and Colombo in an ICRC-chartered aircraft until the end of November, when the road connecting Jaffna and Colombo reopened. The aircraft also carried Ministry of Health medical staff and cargo. Owing to the conflict and large-scale displacement, the ministry did not pursue its vaccination and antenatal activities in insecure areas and therefore did not need the ICRC to accompany its teams. About 1,719 patients in need of specialized treatment transported to Colombo. The Jaffna Jaipur Centre for Disability Rehabilitation, which provided the only physical rehabilitation services on the peninsula, received technical and material support, including for its outreach programme for those unable to travel to the centre. Prosthetic/orthotic technicians attended professional courses abroad, while the training of physiotherapists was postponed to 2010. Given the conflict and the subsequent lack of ICRC access to the Vanni, the training of medical staff in the care of patients with spinal injuries could not take place either. 1,126 patients (including 276 women and 49 children) received services at 1 ICRC-supported physical rehabilitation centre. 89 new patients (including 22 women and 4 children) fitted with prostheses, 62 (including 17 women and 8 children) fitted with orthoses, 302 prostheses (including 72 for women and 5 for children; 134 for mine victims), 112 orthoses (including 36 for women and 27 for children; 13 for mine victims), 131 crutches and 68 wheelchairs delivered.

As the conflict intensified, contacts with the authorities, both at local level and in the capital, increased in an effort to facilitate ICRC activities and to promote respect for IHL. Along with members of the international community, the authorities received regular updates on the ICRC’s activities in the country. After the hostilities had ended, the authorities were reminded of their responsibility to respect the rights of the people held in camps and to ensure that the return home of the displaced was voluntary. Towards the end of the year, a series of high-level meetings took place to discuss the future of ICRC activities in the new context; dialogue was set to continue into 2010.

Given the conflict, followed by preparations for elections due to be held in January 2010, the Government focused on matters other than IHL implementation. Nevertheless, senior Government officials, including from the Ministries of Defence, Foreign Affairs and Justice and the Attorney General’s Office, attended regional ICRC...
events, including those focusing on the work and functioning of national IHL committees. The Sri Lankan IHL committee did not, however, meet during 2009\textsuperscript{28}.

During the conflict, all weapon bearers were reminded of their obligations under IHL, including to protect civilians and to allow humanitarian workers unimpeded access to victims. In the field, members of the armed forces, including the Civil Security Force, and the police and its Special Task Force learnt more about the basic rules of IHL and neutral, impartial and independent humanitarian action at ICRC dissemination sessions. Members of the forces in charge of security at IDP camps and those manning checkpoints were among the participants. Although it was not possible to organize such sessions for the LTTE, owing to the hostilities and the group’s subsequent military defeat, members of Tamil groups in Government-controlled areas took part in these sessions. The armed forces continued to conduct most of their own training, with the ICRC offering support where necessary. Operational deployments, however, slowed the pace of planned training activities. Although some of the events were cancelled or attended by lower-ranking participants, senior officers attended IHL workshops, an advanced refresher course, and ICRC-led classes at the Defence Services Command and Staff College. Implementation of the 2008 agreement between the ICRC and the Special Task Force was also affected, but Special Task Force officers were trained as IHL and international human rights law instructors.

The Sri Lankan Red Cross remained an invaluable operational partner for the ICRC in joint activities to provide essential goods and services, including relief items, clean drinking water and the restoration of family links, to the large number of IDPs leaving the conflict zone. The National Society received financial, technical and material support and training to boost its capacity to carry out these activities and own programmes, such as running first-aid and ambulance services and mobile clinics. It continued to receive relief goods from the ICRC to enable it to pursue distributions even when the latter no longer had access to IDP camps and/or resettlement areas. Newly trained volunteers offered family-links services to IDPs released from camps, while services for the Sri Lankan Diaspora and overseas workers continued to run smoothly. The National Society received support in organizing its annual family-links meeting.

\textsuperscript{28} "Annual report 2011, Srilanka - Key facts and figures" http://www.icrc.org/Web/eng/siteeng0.nsf/html/sri-lanka-news-090709, 9 August 2011, pp-23
With the support of Movement partners, the National Society drew up a five-year plan for its core activities in order to boost its disaster management, family-links and communication capacities. All Movement partners present in the country coordinated their response to the needs arising from the fighting and its aftermath.

**Recovering from conflict - The Humanitarian Process**

One year on from the end of hostilities, Sri Lanka is in transition from conflict to reconstruction and recovery. For the ICRC a lot remains to be done to meet the needs of conflict victims, including detainees and their families, amputees and other disabled people, displaced people and returnees²⁹.

The ICRC has extensive experience in working in countries in transition from conflict to recovery and development. In Sri Lanka, ICRC delegates visit places of detention countrywide to ensure that conditions of detention are adequate and in line with domestic laws and regulations. Through its family-visit assistance programme the ICRC provides travel allowances to families who come to its offices in Jaffna, Vavuniya and Colombo seeking help to visit their detained relatives. With daily life slowly picking up in areas of the north and north east, where only a year ago fighting was taking place, it is becoming easier for people to move around. Re-opened recently after a three-year closure, the A9 road — the main artery linking the north and south of the country — is busy with traffic, including tourist buses.

**Recent Developments and rehabilitation process after the IV Elam War**

With the agreement of the authorities, the ICRC visited places of detention, including police stations, countrywide. It helped detainees and their families keep in touch through the exchange of Red Cross messages and the family-visit assistance programme.

Over the past three months ICRC delegates and staff have carried out the following:

- made 56 visits to 53 places of detention and met privately with over 2,000 detainees;
- provided detainees in temporary places of detention with toiletries, clothes and games;

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• paid for 16 detainees to return home by public transport following their release
• collected nearly 800 Red Cross messages and distributed just under 500, mostly between detainees and their families;
• Provided just under 10,000 people with allowances within the scope of the family-visit assistance programme.

A panel of experts appointed by UN Secretary-General (UNSG) Ban Ki-moon to advise him on the issue of accountability with regard to any alleged violations of international human rights and humanitarian law during the final stages of the conflict in Sri Lanka found "credible allegations" which according to them, if proven, indicated that war crimes and crimes against humanity were committed by the Sri Lankan military and the Tamil Tigers. The panel has called on the UNSG to conduct an independent international inquiry into the alleged violations of international law. The Sri Lankan Government has denied that its forces committed any war crimes and has strongly opposed any international investigation. It has condemned the UN report as "fundamentally flawed in many respects" and "based on patently biased material which is presented without any verification". The Lessons Learnt and Reconciliation Commission, a formal commission of inquiry was appointed by the Sri Lankan President, to review the conflict from 1983 to 2009 and its report was tabled in the parliament. On 27 July 2012, Sri Lanka brought out a road map fixing time lines for investigating alleged war crimes by its army during the final stages of the war with the LTTE in 2009. The cabinet has approved the action plan for the implementation of the Lessons Learnt and Reconciliation.

**Supporting other NGOs and Government Authorities**

Some 800 officers, including from the SLA and Special Task Force, improved their understanding of their obligations under IHL and international human rights law and the Movement following ICRC briefings nationwide. Cadets did likewise at the Defence Services Command and Staff College. Following discussions with military leadership, it was agreed such briefings would be discontinued in 2012 in favor of train-the-trainer courses. Engagement on IHL integration into military doctrine, training and

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operations was not possible. To enhance police officers’ understanding of international policing standards, the ICRC presented the authorities with the findings of its comprehensive assessment of police training needs. Together, they drafted a memorandum of understanding outlining future ICRC support to national efforts in this regard. It included support in developing standard operating procedures, particularly in situations of public unrest. Subsequently, officers, including some 100 tasked with teaching such subjects, boosted their knowledge at ICRC workshops/lectures. Meanwhile, at the SLA’s request, some 3,360 personnel participating in UN peacekeeping missions attended briefings at which they enhanced their knowledge of their legal obligations, the humanitarian situation in their countries of deployment and the ICRC’s role there. One officer was also sponsored to attend an IHL training session in San Remo.

The media drew on National Society/ICRC briefings and press releases to produce articles or news programmes on humanitarian topics in local languages. To encourage them to use the information ethically and impart their knowledge of IHL and the Movement, particularly the ICRC’s post-conflict role, provincial and national journalists attended ICRC-organized workshops. Interaction with NGO representatives and community and religious leaders, while limited due to the scaling-down of ICRC operations, helped to prioritize any residual humanitarian issues and increased their awareness of Movement action, as did ICRC publications distributed to influential society members in local languages. Meanwhile, reference materials supported universities teaching IHL, where students were encouraged to participate in IHL essay writing competitions. Students of the Open University of Sri Lanka and the University of Colombo put their IHL knowledge into practice at regional moot court competitions in Hong Kong, China, and Kathmandu, Nepal, respectively. The National Society’s ability to promote IHL, humanitarian values and the Movement’s mandate was strengthened by the appointment of a dissemination officer charged with helping identify and meet local needs. Volunteers developed their own training curricula and dissemination tools at an ICRC workshop, and one volunteer charged with promoting IHL completed a postgraduate diploma in IHL, with ICRC sponsorship.
Role of the Civil Society

Civil-society actors in Sri Lanka strive to contribute to peace processes. Since post civil war they are engaged addressing *ethnic divides and public opinion* with education and awareness-raising programmes among the refugees on cross-ethnic dialogue, they are actively addressing the mobilization of refugees, advocacy work, and informal diplomacy. Civil societies like the *People's Movement for Freedom and Democracy* and many other Christian missionaries and leaders strive to address *economic issues* through reconstruction and development. However, civil society in Sri Lanka has been weakened by political patronage and the protracted war. Although civic peace organizations work hard to take on a peacebuilding role, their activities are often project-oriented and top-down, rather than mass-based and bottom-up.

The *People's Movement for Freedom and Democracy* brings together Christian leaders of the island, human rights activist and NGO workers. They are demanding the release of refugees, more power to local Governments and an economic policy that protects refugees.

Leaders of Christian Churches in Sri Lanka, human rights activists and NGO workers on the island demonstrate asking the Government to release the Tamil refugees detained in camps, for the implementation of 13th Amendment of the constitution to devolve more powers to local Governments, higher wages and lower cost of living and the defence of press freedom in the country. The *Christian Solidarity Movement*, The *People's Movement for Freedom and Democracy*, the *World Peace and Solidarity Movement*, the *Movement of National Land and* some left-wing social movements and various figures from civil society in Sri Lanka who work for the refugee rehabilitations work with the humanitarians like the ICRC and UNHCR. The Civil Society Forum organized for the social and economic cause for the rehabilitation of the Tamils engages in economic and political rights of the refugees. Hence the civil societies in Sri Lanka explore and examine the policy alternatives to enable Sri Lanka to realize its full potential for human development.

This section of the Srilankan case study can be concluded by observing from the above discussion that the ethnic conflict and refugee in Sri Lanka is social problem. It is perhaps ironic that one of the most unfortunate ethnic disputes of recent times should have occurred in Sri Lanka. This is an island reputed to have had a peaceful transition
from “model colony” to stable third world state achieving international praise for its good quality of life and democratic institutions and these were factors which made Sri Lanka a country of concentration for several aid donors, and increase in private foreign investment.

Sri Lanka remains a country of concern due to larger contribution in refugees compared to other Asian countries. Three-and-a-half years after Sri Lanka’s civil war ended, fresh challenges have emerged as people continue to return home. The UN refugee agency and other NGO’s are working with local authorities and partners to support sustainable returns by addressing some of these problems, including housing, land and property without any hopes for the displaced and refugees. The role of foreign organisations, especially foreign non-Governmental organisations (NGOs), has been of critical importance for various reasons in the 30 year old conflict in Sri Lanka. Humanitarian, relief and human rights agencies are just some of the groups that have been at the forefront of attempts to relieve if not solve the problems in Sri Lanka.

Since the year 1983 the ethnic conflict between the majority Sinhalese and the minority Tamil has killed about 60,000 people, and has also produced some 800,000 internally displaced persons and has forced two million of people to migrate as refugees making them one the world’s largest groups of asylum seekers. This violent environment in the island has brutalized the civil society, giving rise to a climate a chauvinist hysteria and intolerance. Due to lack of political motivation, the peace talk between the Government and Tamils is a failure and the vicious consequence of this dispute is confronting by the common people. Over the course of the conflict, the displaced Tamils in Sri Lanka sought refuge in India and hundreds of thousands more in the other part of the world. According to Indian Government figures, there are more than 100,000 ethnic Tamil Sri Lankans in the southern Indian state of Tamil Nadu, including 68,000 in 112 Government-run camps and 32,000 outside the camps, whereas unofficial data shows the refugee number may be more than 150,000. More than three years after the end of Sri Lanka’s 1983-2009 civil wars, most Sri Lankan refugees in India say they would rather not return, citing economic hardship and concern over human rights abuses. The Indian Government has some provision to provide the basic educational and health facility to refugees, but due to not having sufficient bilateral support from Sri Lankan Government and lack of political motivation to solve their long standing conflict day by day the
refugee camps are getting neglected by the Government of India, which deteriorating the living condition of refugees. Most of the time refugees prefer to escape and look for a decent living condition.

After the year 2002 cease fire, it was expecting that Sri Lanka could solve the problem and gain the development momentum, but due to failure of address the substantial issues the peace movement didn’t give any fruitful results. During the talk Tamilians issues were underestimated and they were severely marginalized for which they felt they are losing their place. Consequently, talk failure leads the resume of ethnic fight and as a result people are continuing to displace and migrating as refugee to India including other countries.

Inside the camp the life of refugees is very miserable. They are suffering from food shortages and malnutrition. Their living condition is extremely deplorable; the food grains provided to the refugees in camps are of very bad quality. Moreover, if anybody protests against the bad food and degrading living condition runs the risk of being branded as a militant and sent to the special refugee camp. There is no proper toilet, housing and electricity facility available in any of these refugee camps. Refugees are living in halls, regulated market places, poultries and even cyclone shelters. There is no medical aid for the refugees inside the camps. They are also becoming a source of cheap labor, exploited ruthless by local employers. In some instances, women have been forced into prostitution and drug running. Extortion by the police is rampant in these refugee camps. When any friend or relative visiting a refugee and family gives any money, police come immediately demanding a cut or the entire amount from the helpless refugee and if he/she does not pay police put false charge and send to special camp.

The refugees are not even permitted to make proper electrical lighting in their dwellings which is imperative for children who may study or for the physical safety of the refugee family. Refugees from Sri Lanka are made to suffer the most inhuman treatment and tortuous conditions because of the political animosity of the Indian state towards the Tamil militancy in Sri Lanka. The Indian state and central Governments does not seem to realize that the ordinary helpless refugee cannot be victimized to settle scores with the Tamil militant movement in Sri Lanka. All the state sponsored oppression on the refugees fleeing Sri Lanka is justified in the name of Rajiv Gandhi’s murder allegedly by Tamil militants. Refugees also have strict restrictions on their freedom of movement and
are treated as third grade citizens. As India has not signed the international convention for refugees, the terrible plight of the Sri Lankan refugees in India is not brought to the scrutiny of the United Nations High Commission for Refugees and no other major human rights organization has taken note of the suffering of the Tamils languishing in the “special camps” in India which are nothing but concentration camps.

However, India’s initiative in the process of rehabilitation of the Tamil refugees in the refugee camps in India cannot be undermined, due to the political pressures of the Government of Tamil Nadu and its political parties, The Dravida Munnetra Kazhagam (DMK) and the AIADMK have taken a few initiatives in the midst of controversies in support of the Tamils for which the two parties, have urged the Centre to take “constructive measures” to find a solution to the sufferings of the Sri Lankan Tamil refugees in camps in Tamil Nadu.

In the this process, the Dravida Munnetra Kazhagam (DMK) has been requesting the central Government to accord permanent resident status for over one lakh Sri Lankan Tamil refugees in the State of Tamilnadu, the Organisation for Eelam Refugees Rehabilitation (OfERR), an NGO that works with Sri Lankan refugees in the State, has been supportive for the cause. The AIADMK has also stepped up welfare measures by announcing construction of 2,500 durable houses at the rate of Rs one lakh each and earmarked Rs 25 crore for the purpose.

The AIADMK had earlier announced a slew of welfare measures for them, including scholarship for students pursuing higher education, financial assistance for self-help groups in camps, and extension of Chief Minister's comprehensive insurance scheme to the refugees.

The AIADMK had already earmarked Rs 25 crore for improving basic facilities like drinking water facilities in the camps, repairing houses, laying roads, construction of toilets, community halls, libraries, ration shops, kitchens and street-lights.

India has been “honest” in helping Sri Lanka’s war victims and there was no reason to doubt its role in helping Colombo rehabilitate the displaced people, for which it has allocated Rs. 500 crore for the refugees in the Srilankan refugee camps. India had already given Rs. 500 crores for humanitarian assistance to Sri Lanka, and set up a hospital in the town Vavuniya, which is staffed with 60 persons that has performed over 20,000 surgeries. Hence to conclude it may be said that, is not only India’s role in the
rehabilitation of the refugees of Sri Lanka, rather the world community and different humanitarian organisations and international NGOs have a play a bigger role in bringing about reconciliation between the Tamils and the Sinhala population.

REFUGEE SITUATION AND REHABILITATION IN AFGHANISTAN

INTRODUCTION:-

Afghanistan officially known as the Islamic Republic of Afghanistan is a landlocked country forming part of South Asia, Central Asia, and to some extent Western Asia. With a population of about 30 million, it has an area of 647,500 km² (250,001 sq mi)\(^3\), making it the 42nd most populous and 41st largest nation in the world. It is bordered by Pakistan in the south and the east, Iran in the west, Turkmenistan, Uzbekistan and Tajikistan in the north, and China in the far northeast.

\(^3\) D. Balland. "AFGHANISTAN x. Political History". Encyclopaedia Iranica (Encyclopaedia Iranica Online ed.). Columbia University. 2010, pp 21
Afghanistan has been an ancient focal point of the Silk Road and human migration. Archaeologists have found evidence of human habitation from as far back as the Middle Paleolithic. Urban civilization may have begun in the area as early as 3,000 to 2,000 BC. Located at an important geostrategic location that connects the Middle East culture with Central Asia and the Indian subcontinent, the land has been home to various peoples through the ages and witnessed many military campaigns, notably by Alexander the Great, Genghis Khan, and in modern era Western forces. The land also served as a source from which the Greco-Bactrians, Kushans, Saffarids, Ghaznavids, Ghorids, Timurids, Mughals and many others have risen to form major empires.

The political history of the modern state of Afghanistan begins in 1709, when the Hotaki dynasty was established in Kandahar followed by Ahmad Shah Durrani's rise to power in 1747. In the late 19th century, Afghanistan became a buffer state in the "Great Game" between the British and Russian empires. Following the Third Anglo-Afghan War of 1919 and the signing of the Treaty of Rawalpindi, King Amanullah started modernization of the country. During the Cold War, after the withdrawal of the British from neighboring India in 1947, the United States and the Soviet Union began spreading their influences in Afghanistan. Between 1979 and 1989, the country experienced a major war between the US-backed mujahideen forces and the Soviet-backed Afghan Government in which over a million Afghans lost their lives. This was followed by the 1990s Afghan civil war, the rise and fall of the extremist Taliban Government and the 2001–present war. In December 2001, the United Nations Security Council authorized the creation of the International Security Assistance Force (ISAF) to help maintain security in Afghanistan and assist the Karzai administration.

Three decades of war made Afghanistan the world's most dangerous country, including the largest producer of refugees and asylum seekers. While the international community is rebuilding war-torn Afghanistan, terrorist groups such as the Haqqani Network and Hezbi Islami are actively involved in a nationwide Taliban-led insurgency, which includes hundreds of assassinations and suicide attacks. According to the United Nations, the insurgents were responsible for 80% of civilian casualties in 2011 and 2012.

**Demographics**

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32 Gary Schroen, First In: An insiders account of how the CIA spearheaded the War on Terror in Afghanistan, 2005, pp 32
As of 2011, the population of Afghanistan is around 29,835,392, which includes the roughly 2 million Afghan refugees still living in Pakistan and Iran. In 1979, the population was reported to be about 15.5 million. The only city with over a million residents is its capital, Kabul. The other largest cities in the country are, in order of population size, Kandahar, Herat, Mazar-i-Sharif, Kunduz, Jalalabad, Lashkar Gah, Taloqan, Puli Khumri, Khost, Ghazni, Sheberghan, Sar-e Pol, and Farah. Urban areas are experiencing rapid population growth following the return of over 5 million expats. According to the Population Reference Bureau, the Afghan population is estimated to increase to 82 million by 2050.

The situation in Afghanistan remains volatile, with continuing conflict and random violence causing further internal displacement. The lack of security hinders UNHCR's operations and access to people of concern. Another challenge is to ensure regular and reliable information on areas in which UNHCR operates, so that policies can be implemented effectively and safely. The political situation continues to be in flux, although measures to promote security and stability are pursued by international and national actors.

The people of concern to UNHCR in Afghanistan total some 1.3 million, comprising asylum-seekers, refugees, returning refugees and internally displaced persons (IDPs). UNHCR provides protection and supports policies and mechanisms that promote the sustainable reintegration of returning refugees. It also responds to the immediate humanitarian needs of IDPs and, where possible, pursues durable solutions for them.

In addition to the establishment of peace and security, the key to Afghanistan's future stability is an improvement in the services provided by the Government to its citizens. It is a cornerstone of UNHCR's strategy to support the efforts of the Government in this area, particularly through District Offices throughout the country.

Preparations are ongoing for the Afghan Stakeholders Conference scheduled for early 2012. The Conference will establish a platform for dialogue among relevant stakeholders from Afghanistan, the Islamic Republic of Iran and Pakistan. A three-year


road map for action will be drawn up and will include the identification of strategic partnerships, and the investments required to achieve a set of comprehensive solutions to the displacement issues that have risen as a result of the conflict in Afghanistan.

Through its leadership of the protection and emergency-shelter clusters, as well as the IDP Task Force, UNHCR is responsible for coordinating joint humanitarian activities in Afghanistan.

**Ethnic Groups**

Afghanistan's ethnically and linguistically mixed population reflects its location astride historic trade and invasion routes leading from Central Asia into South and Southwest Asia. While population data is somewhat unreliable for Afghanistan, Pashtuns make up the largest ethnic group at 38-44% of the population, followed by Tajiks (25%), Hazaras (10%), Uzbek (6-8%), Aimaq, Turkmen, Baluch, and other small groups. Dari (Afghan Farsi) and Pashto are official languages. Dari is spoken by more than one-third of the population as a first language and serves as a lingua franca for most Afghans, though Pashto is spoken throughout the Pashtun areas of eastern and southern Afghanistan. Tajik and Turkic languages are spoken widely in the north. Smaller groups throughout the country also speak more than 70 other languages and numerous dialects.

Afghanistan is an Islamic country. An estimated 80% of the population is Sunni, following the Hanafi school of jurisprudence; the remainder of the population--and primarily the Hazara ethnic group--predominantly Shia. Despite attempts during the years of communist rule to secularize Afghan society, Islamic practices pervade all aspects of life. In fact, Islam served as a principal basis for expressing opposition to communism and the Soviet invasion. Islamic religious tradition and codes, together with traditional tribal and ethnic practices, have an important role in personal conduct and dispute settlement. Afghan society is largely based on kinship groups, which follow traditional customs and religious practices, though somewhat less so in urban areas.

**Governance**

Afghanistan is an Islamic republic consisting of three branches, executive, legislative and judicial. The nation is currently led by Hamid Karzai as the President and
leader since late 2001. The National Assembly is the legislature, a bicameral body having two chambers, the House of the People and the House of Elders.

According to Transparency International's corruption perceptions index 2010 results, Afghanistan was ranked as the third most-corrupt country in the world\textsuperscript{35}. A January 2010 report published by the United Nations Office on Drugs and Crime revealed that bribery consumes an amount equal to 23% of the GDP of the nation. A number of Government ministries are believed to be rife with corruption, and while President Karzai vowed to tackle the problem in late 2009 by stating that "individuals who are involved in corruption will have no place in the Government", top Government officials were stealing and misusing hundreds of millions of dollars through the Kabul Bank. Although the nation's institutions are newly formed and steps have been taken to arrest some, the United States warned that aid to Afghanistan would be reduced to very little if the corruption is not stopped.

The 2004 Afghan presidential election was relatively peaceful, in which Hamid Karzai won in the first round with 55.4% of the votes. However, the 2009 presidential election was characterized by lack of security, low voter turnout and widespread electoral fraud. The vote, along with elections for 420 provincial council seats, took place in August 2009, but remained unresolved during a lengthy period of vote counting and fraud investigation.

Two months later, under international pressure, a second round run-off vote between Karzai and remaining challenger Abdullah was announced, but a few days later Abdullah announced that he is not participating in the 7 November run-off because his demands for changes in the electoral commission had not been met. The next day, officials of the election commission cancelled the run-off and declared Hamid Karzai as President for another 5-year term.

In the 2005 parliamentary election, among the elected officials were former mujahideen, Islamic fundamentalists, warlords, communists, reformists, and several Taliban associates. In the same period, Afghanistan reached to the 30th nation in terms of female representation in parliament. The last parliamentary election was held in September 2010, but due to disputes and investigation of fraud, the sworn in ceremony took place in late January 2011. After the issuance of computerized ID cards for the first

\textsuperscript{35} Afghanistan Slips in Corruption Index Despite Aid - ABC News, jan14,2011.
time, which is a $101 million project that the Afghan Government plans to start in 2012, it is expected to help prevent major fraud in future elections and improve the security situation.

**Defence and military**

The Afghan Ministry of Foreign Affairs is responsible for managing the foreign relations of Afghanistan. The nation has been a member of the UN since 1946, and has maintained good relations with the United States and other NATO member states since the signing of the Treaty of Rawalpindi in 1919.\(^{36}\)

The United Nations Assistance Mission in Afghanistan (UNAMA) was established in 2002 under United Nations Security Council Resolution 1401 to help the nation recover from decades of war and establish a normal functioning Government. Today, more than 22 NATO nations deploy about 140,000 troops in Afghanistan as part of the International Security Assistance Force (ISAF). Apart from close military links, Afghanistan also enjoys strong economic relations with NATO members and their allies.

Afghanistan also has diplomatic relations with neighboring Pakistan, Iran, Turkmenistan, Uzbekistan, Tajikistan, the People's Republic of China, including regional states such as India, Turkey, Kazakhstan, Russia, United Arab Emirate, Saudi Arabia, Iraq, Egypt, Japan, South Korea, and others. Afghanistan's relationship with Pakistan has often fluctuated since 1947.\(^{37}\) They have cultural, security and economic links with each other but disputes between the two states remain. Afghanistan continues to reject the porous and poorly marked Durrand Line as its international border with Pakistan, and has repeatedly accused Pakistan of supporting the Taliban insurgents, Haqanni Network, and other anti-Afghanistan terrorist groups. Economically, Afghanistan is highly dependent on Pakistan in terms of imports, supplies and trade routes. Conversely, Pakistan considers Afghanistan as an important trade route for access to Central Asian resources.

Pakistan harbors concerns over the growing influence of its rival India in Afghanistan. Relations between the two states were strained further after recent border skirmishes. Afghan officials allege that Pakistani intelligence agencies are involved in

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36Stephen Tanner, Afghanistan: A Military History from Alexander the Great to the War Against the Taliban, Da Capo Press, 27-Apr-2009 – pp-12
terrorist attacks inside Afghanistan. Pakistan has denied supporting the Taliban and claimed that a stable Afghanistan is in its interest.

India and Iran have actively participated in reconstruction efforts in Afghanistan, with India being the largest regional donor to the country. Since 2002, India has pledged up to $2 billion in economic assistance to Afghanistan and has participated in multiple socio-economic reconstruction efforts, including power, roads, agricultural and educational projects. There are also military ties between Afghanistan and India, which is expected to increase after the October 2011 strategic pact that was signed by President Karzai and Prime Minister Manmohan Singh.

The military of Afghanistan is under the Ministry of Defense, which includes the Afghan National Army and the Afghan Air Force. It currently has about 180,000 active soldiers and is expected to reach 260,000 in the coming years. They are trained and equipped by NATO countries, mainly by the United States Department of Defense. The ANA is divided into 7 major Corps, with the 201st Selab ("Flood") in Kabul being the main one. The ANA also has a commando brigade which was established in 2007. The National Military Academy of Afghanistan serves as the main educational institute for the military men of the country. A new $200 million Afghan Defense University (ADU) is under construction near the capital.

**Foreign relations**

Before the Soviet invasion, Afghanistan pursued a policy of neutrality and nonalignment in its foreign relations. After the December 1979 invasion, Afghanistan's foreign policy mirrored that of the Soviet Union. Most Western countries, including the United States, maintained small diplomatic missions in Kabul during the Soviet occupation. Repeated Taliban efforts to occupy Afghanistan's seat at the UN and Organization of the Islamic Conference (OIC) were unsuccessful.

The fall of the Taliban in October 2001 opened a new chapter in Afghanistan's foreign relations. Afghanistan is now an active member of the international community, and has diplomatic relations with countries from around the world. In December 2002, the six nations that border Afghanistan signed a ‘Good Neighbor' Declaration, in which they pledged to respect Afghanistan's independence and territorial integrity. In 2005 Afghanistan and its South Asia neighbors held the first annual Regional Economic
Cooperation Conference (RECC) promoting intra-regional relations and economic cooperation.

The Refugee Status

More than 5.7 million refugees 4.6 million of them with UNHCR assistance have returned to Afghanistan since 2002, increasing the population of the country by some 25 per cent. UNHCR has conducted an assessment in 2011, to gauge the level of reintegration achieved by the returnees. The survey, which covered both urban and rural areas, has shown that more than 40 per cent of returnees have not reintegrated into their home communities. Similar conclusions were reached by a joint UNHCR and World Bank study among urban populations. Specific areas needing improvement include land tenure and housing, livelihood opportunities, and access to public services and water.

The first half of 2011 has seen a rapid increase in conflict-induced internal displacement in Afghanistan, creating nearly 100,000 new IDPs and bringing the total IDP population to approximately 500,000 people. Securing access to the displaced, responding to their immediate needs and pursuing advocacy aimed at reducing displacement and promoting returns are key tasks for UNHCR. The same applies to the humanitarian assistance being provided by UNHCR to those affected and displaced by natural disasters.

The Soviet Military intervention

The Soviet Union moved quickly to take advantage of the April 1978 coup. In December 1978, Moscow signed a new bilateral treaty of friendship and cooperation with Afghanistan, and the Soviet military assistance program increased significantly. The regime's survival increasingly was dependent upon Soviet military equipment and advisers as the insurgency spread and the Afghan army began to collapse.

By October 1979, however, relations between Afghanistan and the Soviet Union were tense as Hafizullah Amin refused to take Soviet advice on how to stabilize and consolidate his Government. Faced with a deteriorating security situation, on December

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24, 1979, large numbers of Soviet airborne forces, joining thousands of Soviet troops already on the ground, began to land in Kabul under the pretext of a field exercise. On December 26, these invasion forces killed Hafizullah Amin and installed Babrak Karmal, exiled leader of the Parcham faction, bringing him back from Czechoslovakia and making him Prime Minister. Massive Soviet ground forces invaded from the north on December 27\textsuperscript{40}.

Following the invasion, the Karmal regime, although backed by an expeditionary force that grew as large as 120,000 Soviet troops, was unable to establish authority outside Kabul. As much as 80% of the countryside, including parts of Herat and Kandahar, eluded effective Government control. An overwhelming majority of Afghans opposed the communist regime, either actively or passively. Afghan freedom fighters (mujahidin) made it almost impossible for the regime to maintain a system of local Government outside major urban centers. Poorly armed at first, in 1984 the mujahidin began receiving substantial assistance in the form of weapons and training from the U.S. and other outside powers.

The Geneva Accords and Their Aftermath

By the mid-1980s, the tenacious Afghan resistance movement aided by the United States, Saudi Arabia, Pakistan, and others--was exacting a high price from the Soviets, both militarily within Afghanistan and by souring the U.S.S.R.’s relations with much of the Western and Islamic world. Informal negotiations for a Soviet withdrawal from Afghanistan had been underway since 1982. In 1988, the Governments of Pakistan and Afghanistan, with the United States and Soviet Union serving as guarantors, signed an agreement settling the major differences between them. The agreement, known as the Geneva accords, included five major documents, which, among other things, called for U.S. and Soviet noninterference in the internal affairs of Pakistan and Afghanistan, the right of refugees to return to Afghanistan without fear of persecution or harassment, and, most importantly, a timetable that ensured full Soviet withdrawal from Afghanistan by

\textsuperscript{40} Ibid pp58
February 15, 1989. About 14,500 Soviet and an estimated one million Afghan lives were lost between 1979 and the Soviet withdrawal in 198941.

**Taliban insurgency and the civil war in Afghanistan**

**Rise and fall of the Taliban**

The Taliban had risen to power in the mid 90's in reaction to the anarchy and warlordism that arose after the withdrawal of Soviet forces. Many Taliban had been educated in madrassas in Pakistan and were largely from rural southern Pashtun backgrounds. In 1994, the Taliban developed enough strength to capture the city of Kandahar from a local warlord and proceeded to expand its control throughout Afghanistan, occupying Kabul in September 1996. By the end of 1998, the Taliban occupied about 90% of the country, limiting the opposition largely to a small mostly Tajik corner in the northeast and the Panjshir valley42.

The Taliban sought to impose an extreme interpretation of Islam--based upon the rural Pashtun tribal code on the entire country and committed massive human rights violations, particularly directed against women and girls. The Taliban also committed serious atrocities against minority populations, particularly the Shi’a Hazara ethnic group, and killed noncombatants in several well-documented instances. In 2001, as part of a drive against relics of Afghanistan’s pre-Islamic past, the Taliban destroyed two Buddha statues carved into cliff faces outside of the city of Bamiyan43.

From the mid-1990s the Taliban provided sanctuary to Osama bin Laden, a Saudi national who had fought with the mujahideen resistance against the Soviets, and provide a base for his and other terrorist organizations. Bin Laden provided both financial and political support to the Taliban. Bin Laden and his Al-Qaida group were charged with the bombing of the U.S. Embassies in Nairobi and Dar Es Salaam in 1998, and in August 1998 the United States launched a cruise missile attack against bin Laden's terrorist camp

42 Stephen Tanner, *Afghanistan: A Military History from Alexander the Great to the War Against the Taliban*, Da Capo Press, 2009 – pp-34
in southeastern Afghanistan. Bin Laden and Al-Qaida have acknowledged their responsibility for the September 11, 2001 terrorist attacks against the United States.

Following the Taliban's repeated refusal to expel bin Laden and his group and end its support for international terrorism, the U.S. and its partners in the anti-terrorist coalition began a military campaign on October 7, 2001, targeting terrorist facilities and various Taliban military and political assets within Afghanistan. Under pressure from U.S. military and anti-Taliban forces, the Taliban disintegrated rapidly, and Kabul fell on November 13, 2001.

Afghan factions opposed to the Taliban met at a United Nations-sponsored conference in Bonn, Germany in December 2001 and agreed to restore stability and governance to Afghanistan creating an interim Government and establishing a process to move toward a permanent Government. Under the "Bonn Agreement," an Afghan Interim Authority was formed and took office in Kabul on December 22, 2001 with Hamid Karzai as Chairman. The Interim Authority held power for approximately 6 months while preparing for a nationwide "Loya Jirga" (Grand Council) in mid-June 2002 that decided on the structure of a Transitional Authority. The Transitional Authority, headed by President Hamid Karzai, renamed the Government as the Transitional Islamic State of Afghanistan (TISA). One of the TISA's primary achievements was the drafting of a constitution that was ratified by a Constitutional Loya Jirga on January 4, 2004.

While the Taliban began regrouping inside Pakistan, more coalition troops entered the escalating US-led war. Meanwhile, the rebuilding of war-torn Afghanistan kicked off in 2002. The Afghan nation was able to build democratic structures over the years, and some progress was made in key areas such as governance, economy, health, education, transport, and agriculture. NATO is training the Afghan armed forces as well its national police. ISAF and Afghan troops led many offensives against the Taliban but failed to fully defeat them. By 2009, a Taliban-led shadow Government began to form in many parts of the country complete with their own version of mediation court. After U.S. President Barack Obama announced the deployment of another 30,000 soldiers in 2010 for a period of two years,

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At the 2010 International Conference on Afghanistan in London, Afghan President Hamid Karzai said he intends to reach out to the Taliban leadership. Supported by NATO, Karzai called on the group's leadership to take part in a loya jirga meeting to initiate peace talks. These steps have resulted in an intensification of bombings, assassinations and ambushes. Some Afghan groups (including the former intelligence chief Amrullah Saleh and opposition leader Dr. Abdullah Abdullah) believe that Karzai plans to appease the insurgents' senior leadership at the cost of the democratic constitution, the democratic process and progress in the field of human rights especially women's rights.

Over five million Afghan refugees were repatriated in the last decade, including many who were forcefully deported from NATO countries. This large return of Afghans may have helped the nation's economy but the country still remains one of the poorest in the world due to the decades of war, lack of foreign investment, ongoing Government corruption and the Taliban insurgency. According to a report by the United Nations, the Taliban and other militants were responsible for 76% of civilian casualties in 2009, 75% in 2010, 80% in 2011, 80% in 2012. In 2011 a record 3,021 civilians were killed in the ongoing insurgency, the fifth successive annual rise.

After the May 2011 death of Osama bin Laden in Pakistan, many prominent Afghan figures began being assassinated, including Mohammed Daud Daud, Ahmed Wali Karzai, Jan Mohammad Khan, Ghulam Haider Hamidi, Burhanuddin Rabbani and others. Also in the same year, the Pak-Afghan border skirmishes intensified and many large scale attacks by the Pakistani-based Haqqani Network took place across Afghanistan. This led to the United States warning Pakistan of a possible military action against the Haqqanis in the Federally Administered Tribal Areas. The U.S. blamed Pakistan's Government, mainly Pakistan Army and its ISI spy network as the masterminds behind all of this.

**Operation Enduring to free Afghanistan**

On 20 September 2001, in the wake of the 11 September attacks, George W. Bush delivered an ultimatum to the Taliban Government of Afghanistan to turn over Osama bin Laden and al-Qaeda leaders operating in the country or face attack. The Taliban demanded evidence of bin Laden's link to the 11 September attacks and, if such evidence
warranted a trial, they offered to handle such a trial in an Islamic Court. The US refused to provide any evidence.\footnote{Thomas Barfield, *The War for Afghanistan: A Very Brief History: From "Afghanistan: A Cultural and Political History*" Princeton University Press, 2012, pp 23.}

Subsequently, in October 2001, US forces (with UK and coalition allies) invaded Afghanistan to oust the Taliban regime. On 7 October 2001, the official invasion began with British and US forces conducting airstrike campaigns over enemy targets. Kabul, the capital city of Afghanistan, fell by mid-November. The remaining al-Qaeda and Taliban remnants fell back to the rugged mountains of eastern Afghanistan, mainly Tora Bora. In December, Coalition forces (the US and its allies) fought within that region. It is believed that Osama bin Laden escaped into Pakistan during the battle.

In March 2002, the US and other NATO and non-NATO forces launched Operation Anaconda with the goal of destroying any remaining al-Qaeda and Taliban forces in the Shah-i-Kot Valley and Arma Mountains of Afghanistan. The Taliban suffered heavy casualties and evacuated the region.

The Taliban regrouped in western Pakistan and began to unleash an insurgent-style offensive against Coalition forces in late 2002. Throughout southern and eastern Afghanistan, firefights broke out between the surging Taliban and Coalition forces. Coalition forces responded with a series of military offensives and an increase in the amount of troops in Afghanistan. In February 2010, Coalition forces launched Operation Moshtarak in southern Afghanistan along with other military offensives in the hopes that they would destroy the Taliban insurgency once and for all. Peace talks are also underway between Taliban affiliated fighters and Coalition forces. The United States and other NATO and non-NATO forces are planning to withdraw from Afghanistan by the end of 2014.

The War in Afghanistan began on 7 October 2001, as the armed forces of the United States, the United Kingdom, Australia, France, and the Afghan United Front (Northern Alliance) launched Operation Enduring Freedom. The primary driver of the invasion was the September 11 attacks on the U.S., with the stated goal of dismantling the al-Qaeda terrorist organization and ending its use of Afghanistan as a base. The U.S. also said that it would remove the Taliban regime from power and create a viable democratic state. More than a decade into the war, NATO forces continue to battle a
widespread Taliban insurgency, and the war has expanded into the tribal area of neighboring Pakistan. The War in Afghanistan is also the United States' longest running war.

In the first phase of Operation Enduring Freedom, ground forces of the Afghan United Front working with teams of U.S. and British Special Forces and with U.S. air support, ousted the Taliban regime from power in Kabul and most of Afghanistan in a matter of weeks. Most of the senior Taliban leadership fled to neighboring Pakistan, some being flown out in the Kunduz airlift. The democratic Islamic Republic of Afghanistan was established and an interim Government under Hamid Karzai was created which was also democratically elected by the Afghan people in the 2004 general elections. The International Security Assistance Force (ISAF) was established by the U.N. Security Council at the end of December 2001 to secure Kabul and the surrounding areas. This was after the US sought to make sure that it would not interfere with its ongoing counterterrorism initiatives in the country, changing the originally titled "International Security Force" to ISAF\(^\text{46}\). NATO assumed control of ISAF in 2003. ISAF includes troops from 42 countries, with NATO members providing the core of the force. The stated aim of the invasion was to find Osama bin Laden and other high-ranking al-Qaeda members to be put on trial, to destroy the organization of al-Qaeda, and to remove the Taliban regime which supported and gave safe harbor to it. In 2003, Taliban forces started an insurgency campaign against the democratic Islamic Republic and the presence of ISAF-troops in Afghanistan. Their headquarters are alleged to be in or near Quetta, Pakistan. Since 2006, Afghanistan has experienced a dramatic increase in Taliban-led insurgent activity. Since the coalition intervention in 2001, more than 5.7 million refugees have returned to Afghanistan\(^\text{47}\).

On 21 May 2012 the leaders of the NATO-member countries endorsed an exit strategy during the 2012 NATO Summit in Chicago.

The Taliban especially targeted people of Shia religious or Hazara ethnic background. Upon taking Mazar-i-Sharif in 1998, about 4,000 civilians were executed by the Taliban and many more reported tortured. The documents also reveal the role of Arab


and Pakistani support troops in these killings. Bin Laden's so-called 055 Brigade was responsible for mass-killings of Afghan civilians. The report by the United Nations quotes eyewitnesses in many villages describing "Arab fighters carrying long knives used for slitting throats and skinning people".

According to Pakistani Afghanistan expert Ahmed Rashid, "between 1994 and 1999, an estimated 80,000 to 100,000 Pakistanis trained and fought in Afghanistan" on the side of the Taliban. Peter Tomsen stated that up until 9/11 Pakistani military and ISI officers along with thousands of regular Pakistani armed forces personnel had been involved in the fighting in Afghanistan.

In 2001 alone, according to several international sources, 28,000-30,000 Pakistani nationals, 14,000-15,000 Afghan Taliban and 2,000-3,000 Al Qaeda militants were fighting against anti-Taliban forces in Afghanistan as a roughly 45,000 strong military force. Pakistani President Pervez Musharraf – then as Chief of Army Staff – was responsible for sending thousands of Pakistanis to fight alongside the Taliban and Bin Laden against the forces of Ahmad Shah Massoud. Of the estimated 28,000 Pakistani nationals fighting in Afghanistan, 8,000 were militants recruited in madrassas filling regular Taliban ranks. A 1998 document by the U.S. State Department confirms that "20–40 percent of Taliban soldiers are Pakistani." The document further states that the parents of those Pakistani nationals "know nothing regarding their child's military involvement with the Taliban until their bodies are brought back to Pakistan." According to the U.S. State Department report and reports by Human Rights Watch, the other Pakistani nationals fighting in Afghanistan were regular Pakistani soldiers especially from the Frontier Corps but also from the army providing direct combat support.

Under the Taliban, al-Qaeda was able to use Afghanistan as a place to train and indoctrinate fighters, import weapons, coordinate with other jihadists, and plot terrorist actions. While al-Qaeda maintained its own establishments in Afghanistan, it also supported training camps belonging to other organizations. Between 10,000 and 20,000 people passed through these facilities before 9/11, most of whom were sent to fight for the Taliban against the United Front but a smaller number were inducted into al-Qaeda.

After the August 1998 U.S. Embassy bombings were linked to bin Laden, President Bill Clinton ordered missile strikes on militant training camps in Afghanistan. U.S. officials pressed the Taliban to surrender bin Laden, and the international
community imposed sanctions on the Taliban in 1999, calling for bin Laden to be surrendered. The Taliban repeatedly rebuffed the demands, however.

Central Intelligence Agency (CIA) Special Activities Division paramilitary teams were active in Afghanistan in the 1990s in clandestine operations to locate and kill or capture Osama Bin Laden. These teams planned several operations but did not receive the order to execute from President Clinton. These efforts did however build many of the relationships that would prove essential in the 2001 U.S. Invasion of Afghanistan.

**Afghan Refugees: Historical Background**

Afghanistan has had the largest refugee repatriation in the world in the last 30 years. The return of refugees is guided by the Ministry of Refugees and Repatriation (MORR) and supported by the United Nations High Commissioner for Refugees (UNHCR), International Organization of Migration (IOM), United Nations Children’s Fund (UNICEF), the World Food Program (WFP), the World Health Organization (WHO) and a number of other national and international NGOs. As of December 2006, approximately 3 million Afghans remained in neighboring countries. The U.S. provided more than $350 million to support Afghan refugees, returnees, and other conflict victims between September 2001 and March 2006.\(^\text{48}\)

In response to a strategy outlined by the Ministry of Health, the international community is supporting the Government in rebuilding the primary health-care system. Tuberculosis remains a serious public health problem in Afghanistan. Since this strategy was outlined, the Afghan Government with support from the World Health Organization (WHO) has established 162 health facilities in 141 districts across the country. The treatment success rate in 2002 was 86%. WHO is also assisting the Ministry of Health and local health authorities to combat malaria where the disease is widespread. Through this project, 600,000 individuals are receiving full treatment for malaria every year. In addition 750,000 individuals are protected from malaria by sleeping under special nets provided under the project.

There were 45,000 children enrolled in school in 1993, 19% were girls. The latest official statistics show there are now 64,000 children in school, one third are girls. In

\(^{48}\) Articles on Afghan Diaspora, Including: Afghan Canadian, Afghan Refugees, Afghan American, Afghan (Australia), Afghan Australian, Afghans in Germany, Afghans in Pakistan, Afghans in the Netherlands, Afghans in Tajikistan, Afghans in Iran, Hephaestus Books, 30-Aug-2011 – pp23-55
addition 29% of the teachers in the province are women, compared with 15% in 1993\(^49\). Effort is being made to ensure that teachers receive salaries on time and increasing the attendance of girls in school. The total enrollment rate for Afghan children between 7 and 13 years of age has increased to 54% (67% for boys and 37% for girls). A number of factors such as distance to schools, poor facilities and lack of separate schooling for boys and girls continue to be challenges to higher enrollment.

Afghans began fleeing their country in April 1978, when the Marxist People’s Democratic Party of Afghanistan (PDPA), overthrew the Government of Muhammad Daoud (who had himself seized power from his cousin Afghan king Zahir Shah in a bloodless coup in 1973). The trickle of refugees accelerated when the Soviet Union invaded in December 1979, ostensibly to restore order to the country as the PDPA became increasingly splintered. While political infighting was certainly a problem, some observers also noted that Afghanistan’s leadership had begun irking Moscow by making decisions without Soviet approval. The Soviet attempt to subjugate the Afghans was at times particularly brutal, including the alleged use of torture and collective punishment. By the beginning of 1981, some 3.7 million refugees had fled to Iran and Pakistan\(^50\).

Smaller numbers of refugees continued to flee Afghanistan for the next decade, as the Soviets fought an insurgency mounted by a loosely allied group of *mujahideen*, or holy warriors. In 1988, the Soviet Union agreed to withdraw from Afghanistan, and UNHCR and the international assistance community prepared for the massive repatriation of refugees.\(^6\) Large-scale returns did not begin until 1992, however, when the Soviet-installed leader Najibullah was finally forced from power. No sooner had some million and a half refugees returned, however, than Kabul descended into armed disorder as various *mujahideen* factions began fighting for control of the capital and the surrounding area. A new wave of people was displaced (possibly up to a million), a majority of whom remained within Afghanistan’s borders as internally displaced people (IDPs). After a year-long siege, the Taliban took Kabul in 1996, and had gained control of most of the country by 1998. Although they brought a measure of peace to the areas they captured, many Afghans, especially the educated, fled the Taliban’s particularly austere vision of

\(^{49}\) *Ibid* pp 30

Islamic propriety, with its severe restrictions on women’s activities, education, and social and cultural life.

A final wave of refugees numbering 200,000 to 300,000 left Afghanistan during the U.S. led invasion of October 2001. With the defeat of the Taliban a month later, UNHCR led consultations with the three Governments centrally involved in the Afghan refugee issues—Pakistan, Iran, and Afghanistan—and began planning for another mass repatriation. Beginning in 2002, UNHCR along with Afghanistan, established separate Tripartite Agreements with Pakistan and Iran to provide a legal and operational framework for voluntary repatriations from each country. These agreements have been renewed several times since then. The working assumption at the time was that there were approximately 2 million refugees in Pakistan and 1.5 million in Iran. Almost everyone was caught off-guard, when subsequently 2.15 million Afghans returned in 2002, and yet most of the camps in Pakistan (and to some extent the cities in Iran) continued to house large numbers of Afghan refugees. It turned out that there were far more Afghans living in Pakistan than most analysts had thought. Although the numbers of returns declined in subsequent years.

**Diplomatic and humanitarian efforts**

After the Taliban fled Kabul in November 2001 and left their stronghold, the southern city of Kandahar, in December 2001, it was generally understood that by then major al-Qaeda and Taliban leaders had fled across the border into Pakistan. To fill the political void, in December 2001 the United Nations hosted the Bonn Conference in Germany. The meetings of various Afghan leaders here were organized by the United Nations Security Council. The Taliban were not included. Participants included representatives of four Afghan opposition groups. Observers included representatives of neighbouring and other involved major countries, including the United States.

The result was the Bonn Agreement which created the Afghan Interim Authority that would serve as the “repository of Afghan sovereignty” and outlined the so-called Petersberg Process, a political process towards a new constitution and choosing a new Afghan Government.

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The United Nations Security Council Resolution 1378 of 14 November 2001, included "Condemning the Taliban for allowing Afghanistan to be used as a base for the export of terrorism by the al-Qaeda network and other terrorist groups and for providing safe haven to Osama bin Laden, al-Qaeda and others associated with them, and in this context supporting the efforts of the Afghan people to replace the Taliban regime"52.

To help provide security to support this Afghan Interim Authority, the United Nations authorized an international force – the International Security Assistance Force (ISAF) – with a mandate to help the Afghans maintain security in Kabul and surrounding areas.

Before the U.S.-led invasion, there were fears that the invasion and resultant disruption of services would cause widespread starvation and refugees. The United Nations World Food Programme temporarily suspended activities within Afghanistan at the beginning of the bombing attacks but resumed them after the fall of the Taliban.

**Humanitarian Relief and ICRC**

Many nations have assisted in a great variety of humanitarian and development projects all across Afghanistan since the fall of the Taliban in 2001. The United Nations, World Bank, Asian Development Bank and other international agencies have also given aid. Schools, clinics, water systems, agriculture, sanitation, Government buildings and roads are being repaired or built.

Having assisted victims of the Afghan armed conflict for six years in Pakistan, the ICRC opened a delegation in Kabul in 198753. Its current operations focus on: protecting detainees and helping them keep in contact with their families; monitoring the conduct of hostilities and acting to prevent IHL violations; assisting the wounded and disabled; supporting hospital care; improving water and sanitation services; promoting accession and implementation of IHL treaties and compliance with IHL by military forces; and strengthening the Afghan Red Crescent Society54.

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53 Fiona Terry, The International Committee of the Red Cross in Afghanistan: reasserting the neutrality of humanitarian action, Article, International Review of the Red Cross, No. 881, 2011, pp 12
The year saw an increase in armed clashes and attacks resulting in further casualties and displacement. The fragmentation of the political/military landscape – including the emergence of more armed groups – raised additional challenges for the population and further limited humanitarian access. The handover of responsibility for security from the international forces to the Afghan National Army (ANA) and Afghan National Police (ANP) began, in line with the planned US withdrawal by 2014. The transfer to Afghan authority of people previously held in the US detention facility at Parwan and the US internment facility at Guantanamo Bay Naval Station in Cuba continued, as did that of those held in field detention sites by several countries in the NATO-led International Security Assistance Force (ISAF). Localized flooding and drought compounded food and livelihood insecurity in conflict-affected, agriculture-dependent communities.\(^5^5\)

Against this backdrop of continued conflict and insecurity, including security incidents directly involving the ICRC, large parts of rural Afghanistan remained, at best, difficult to access. Nevertheless, thanks to the strengthening of partnerships with the Afghan Red Crescent Society and local communities, and through its contacts with all parties to the conflict and their acceptance of its strictly neutral, impartial and independent approach, the ICRC continued to reach vulnerable populations in all 34 provinces. National Society volunteers used their extensive network to assist as many conflict-affected people as possible. The ICRC documented allegations of IHL violations, making confidential representations to the parties concerned with a view to ending such abuses. Authorities and weapon bearers at all levels were reminded of their obligations under IHL, particularly regarding the conduct of hostilities and their duty to protect people not or no longer participating in the fighting. One such audience was the US armed forces, with which the ICRC pursued an in-depth dialogue. The ANA received support in integrating IHL into its doctrine, training and operations, while ANA and ANP personnel, in training academies and in the field, familiarized themselves with the basic rules of IHL and international human rights law during ICRC events.\(^5^6\)


\(^{56}\) International Review of the Red Cross, No. 880 – Conflict in Afghanistan (I), The International Review of the Red Cross, a quarterly published by the International Committee of the Red Cross (ICRC) and Cambridge University Press, 2010, pp 31
Acting as a neutral intermediary, the ICRC was able to collect fallen fighters from the battlefield and hand their bodies over to their families. It also intensified efforts to prevent people from being unaccounted for, providing all parties to the conflict, as well as key community and religious figures, with guidelines on the proper handling of unidentified and unclaimed bodies. People held by the Afghan authorities, the US authorities, NATO/ISAF and armed groups received visits from ICRC delegates, who monitored their treatment, living conditions and respect for their judicial guarantees. Detainees/internes maintained contact with their families through RCMs and/or video calls. Following visits, the ICRC shared its findings and recommendations confidentially with the relevant authorities. The US armed forces, NATO/ISA and the ICRC continued to discuss detention matters, including the transfer of detainees to Afghan custody. The Afghan authorities rehabilitated prisons and improved inmates’ health and hygiene with the help of ICRC expertise. The medical needs of the growing number of people affected by conflict and/or natural disaster were met in part through a comprehensive approach by the ICRC and the National Society, while complying with Ministry of Public Health policies. Patients were treated at ICRC first-aid posts and ICRC-supported National Society primary health care centres and by National Society/ICRC-trained first-aiders, and were referred for further treatment when necessary, often using ICRC-facilitated transport. Two Government hospitals, Mirwais and Shiberghan, continued to receive systematic support, while other hospitals treating the weapon wounded received ad hoc medical supplies. A new “telemedicine” programme enabled medical staff to interact with counterparts in Switzerland. Dialogue with the parties to the conflict and partnerships with the media endeavoured to raise their awareness of the obligation to protect health care personnel, equipment and establishments. ICRC physical rehabilitation centre continued to provide services to the disabled.

The National Society and the ICRC distributed food and essential household items to families forced to leave their homes or impoverished as a result of conflict, flood or drought. They also assisted resident communities through a variety of livelihood-support programmes that aimed to help them better protect their assets and generate income. Such initiatives included enhancing agricultural production, boosting livestock health and providing micro-loans for small businesses. Rehabilitation of irrigation
infrastructure helped increase food production and improve communities’ food security. Projects to improve water quality and sanitation in rural areas and in cities were implemented with ICRC support. Movement components in Afghanistan continued to coordinate their activities. While preserving its independence, the ICRC maintained close contact with other humanitarian actors to coordinate activities, thus maximizing impact, identifying unmet needs and avoiding duplication. The ICRC assisted the National Society in boosting its capacity to meet the needs of conflict-affected people through financial, material and technical support and training, with additional support from the German, Swedish and Norwegian Red Cross Societies.

**Linking the Family members**

Dispersed family members, including detainees, used National Society/ICRC services to restore and maintain contact, mainly through RCMs. Families of Afghans held in the Guantanamo Bay internment facility spoke to relatives by telephone and in person to ICRC delegates who had visited them. The National Society continued to strengthen its capacity to restore family links, with ICRC/German Red Cross support. On a number of occasions, the ICRC also facilitated the recovery and handover to families of fallen combatants. Moreover, conflict parties, community and religious leaders and humanitarian actors received guidelines on handling human remains. Parties also attended training in the management of data for future identification and the preservation of gravesites, while morgue facilities were rehabilitated.

**Conflict-affected civilians’ needs better met**

Despite insecurity limiting access, large-scale operations continued for conflict-, flood- and drought-affected communities, with the National Society receiving related training. Some 17,487 displaced families (122,413 beneficiaries) used shelter material sand essential household items to improve their living conditions. One-off rations covered the food needs of 129,479 people (18,497 households), IDPs and residents, during the initial weeks following displacement or hardship induced by natural disaster. Throughout the country, 12,072 families affected by conflict and/or natural disaster

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worked on community-based projects in exchange for food for themselves and their families (84,759 people). Some rehabilitated roads and canals, others rural irrigation systems, boosting water availability for livestock and agricultural production. To protect valuable livestock in districts outside Government control, some 550 farmers learnt about animal husbandry and animal health. In addition, 226,891 animals were de-wormed and 42,489 animals were vaccinated against diseases such as foot-and-mouth. In total, 7,414 households/51,898 people benefited from livestock support, including, in a significant breakthrough, those in Helmand and Urzgan. Projects to secure the livelihoods of other vulnerable households were expanded, including to the urban area of Mazar-i-Sharif. Thus, farmers received training to maximize production using ICRC-donated seed, nut-tree saplings, tools, fertilizer and oil presses, benefiting a total of 4,491 households (31,437 people). As all farmers who had received micro-loans in 2010 to kick-start livelihood activities had paid back their loans, the available capital enabled 2,306 more to start apricot nurseries or produce sesame oil in 2011 (16,142 beneficiaries). Although drought reduced yields and livestock prices in some areas, food or cash-for-food distributions enabled vulnerable farmers to continue to meet their families’ nutritional needs (15,239 people). Following training, women in 12 northern communities built poultry shelters using ICRC-donated materials and 1,417 disabled patients received schooling, vocational training, job-seeking support and micro-loans, enabling them to open small businesses and generate income for themselves and their families (another 3,626 people). Homebound individuals and their families received food rations (8,204 people).

**Communities enjoy a reliable water supply**

Some 377,711 people benefited from the continued rehabilitation of water facilities and an expanding nationwide hygiene-promotion programme, carried out in cooperation with local authorities. In cities, some 157,000 people had access to safe drinking water following repairs to pumping stations. In rural areas, easier water distribution, via hand pumps, improved life for some 220,000 villagers, while some of them learnt how to maintain the pumps.

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59 International Review of the Red Cross, No. 880 – Conflict in Afghanistan (I), The International Review of the Red Cross is a quarterly published by the International Committee of the Red Cross (ICRC) and Cambridge University Press. 2010. pp
**Civilian’s access health care**

In 2011, direct ICRC support to individual Afghan Red Crescent primary health care centres stopped in favor of the provision of technical support to the National Society at central level in developing its medical logistics capacities. As a result, all 47 centres were supplied with drugs and medical materials in a timely manner, ensuring a consistent standard of patient care in accordance with the Government’s Basic Package of Health Services. Thus, people in conflict-affected areas were able to attend consultations or be immunized against common diseases. Meanwhile, communities in Kandahar and Jalalabad accessed similar care at three basic health care centres upgraded from ICRC first-aid posts during the year. Following training from the ICRC/Norwegian Red Cross, community-based first-aiders were better prepared to treat patients, providing ante/post-natal care, teaching good hygiene practices and referring patients to secondary-care providers.

Detainees/internees received visits from ICRC delegates, who monitored their treatment and living conditions and respect for their judicial guarantees. The authorities concerned received confidential reports following visits to people in US custody, people in NATO/ISAF custody prior to their transfer to Afghan custody, and people held by the Afghan authorities, including those previously held at the US Parwan detention facility at Bagram airbase and the Guantanamo Bay internment facility. Particular attention was paid to the needs of vulnerable groups such as foreigners, women, minors and the mentally ill. New US troops rotated into the Parwan facility and representatives of the National Security Directorate attended regular dissemination sessions on ICRC activities for detainees and its standard visiting procedures. Meanwhile, the ICRC continued to seek access to all detainees. Dialogue between the US authorities and the ICRC continued, including on defining the rights of individual detainees and ensuring they fitted into an adequate legal framework and were provided with the relevant procedural safeguards. The transfer of detainees and detention facilities from US to Afghan authority and the related challenges, such as the legal framework or detention conditions, also featured prominently in such discussions. In addition, the two parties considered ways to ensure more regular family visits for internees at Parwan detention facility. In all, some 700 inmates at Parwan benefited from such face-to-face visits, with many others making
use of video and telephone calls. Other detainees in Afghanistan contacted relatives through RCMs. US and NATO/ISAF authorities continued to notify the ICRC of new arrests, transfers and releases. Afghan detainees released from Parwan had their transport costs home covered, while one foreign national was repatriated, according to his wishes. At bilateral meetings, the Afghan authorities and the ICRC discussed judicial guarantees and the provisions of IHL, international human rights law and applicable Afghan law, particularly important during the transfer of responsibility for district and provincial prisons from the Justice Ministry to the Interior Ministry. To advance efforts to improve detention conditions, the Afghan authorities conducted an assessment of the country’s detention facilities, with ICRC support, publishing the final report in English and Dari for distribution to stakeholders. Meanwhile, more than 21,900 detainees benefited from the ICRC’s rehabilitation of sanitation facilities, kitchens and water supplies. They were better able to protect their health using ICRC-distributed hygiene kits and after attending health-promotion sessions. In line with the Basic Package of Health Services in prisons, detainees were transferred to referral hospitals, when necessary, and prison health staff enhanced their skills at a workshop co-organized by the authorities and the ICRC. Meanwhile, 28 mentally ill detainees accessed appropriate care/treatment through a pilot project at Afghanistan’s largest prison, Pul-i-Charkhi, with initial results suggesting an improvement in their condition. Inmates survived harsh winter conditions using ICRC-donated blankets, warm clothes and personal care items. The ICRC encouraged the authorities to increase detainees’ access to educational, vocational and recreational activities, while donations of books, board games, volleyballs and footballs helped break the monotony of their incarceration.

Managing the Causalities

Almost 5,000 weapon-wounded patients in more than 29 provinces were stabilized at four ICRC first-aid posts, while others received treatment at the 47 Afghan Red Crescent primary health centres or from community-based first-aiders, police personnel, including female officers, and other weapon bearers trained by the National Society/ICRC/Norwegian Red Cross. Patients were evacuated to medical facilities in
ICRC-funded transport. Patients in Kandahar relied on the 420-bed Mirwais Hospital, where more than 20 ICRC expatriate staff worked alongside and trained Afghan staff to improve critical services, including surgery, obstetrics and pediatrics, in line with the Essential Package of Hospital Services. The supply of drugs and consumables to all departments, the construction of an outpatient department, improvements to the wards and the upgrading of water, sewage and electricity infrastructure and roofing enabled the hospital to provide better medical care to a larger number of people. Mirwaishad also seen an increase in births, from 700 per month in 2009 to 1,000 in 2011, owing to increasing difficulties for women to access care locally. Additional delivery beds helped the ward meet the demand. Furthermore, a “telemedicine” programme launched with the University Hospital of Geneva, Switzerland, enabled staff from Mirwais to engage with Swiss doctors through videoconferences. Patients in the north-west attended the 200-bed Shiberghan Hospital, which continued to receive ICRC supplies and support for training – not only for medical/surgical staff, but also for hospital maintenance staff, who in addition received equipment to help them repair infrastructure themselves. The above support, along with year-round support to their blood banks, helped the Mirwais and Shiberghan hospitals treat 44,212 inpatients and 204,179 outpatients. To assist in developing policies and good practice countrywide, the ICRC offered its expertise during meetings of the national Hospital Management Task Force. Five other hospitals received supplies to help them cope with mass-casualty influxes, while some 60 surgeons and doctors from Government and military hospitals attended emergency-room trauma and war-surgery training.

Assisting the Disabled

At eight ICRC-run physical rehabilitation centres, 73,552 disabled Afghans benefited from prosthetic/orthotic devices and physiotherapy. Vocational training, micro-economic initiatives and education programmes helped increase their income-generating ability. The centres continued to be managed by disabled employees, who

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60 Annyssa Bellal, Gilles Giacca, Stuart Casey-Maslen, International law and armed non-state actors in Afghanistan, 31-03-2011 Article, International Review of the Red Cross, No. 881, pp 22
61 Afghanistan: ICRC opens new prosthetic/orthotic centre in Helmand province, Operational Update, 2010
attended professional courses and postgraduate training. Staff at five non-ICRC centres received training and materials supplied by an ICRC-managed component factory. Meanwhile, construction of a new centre in Fakirabad continued. Disabled patients living in remote areas were transported to the physical rehabilitation centres or referred to specialist care. Those with spinal cord injuries continued to benefit from home visits, with the most vulnerable receiving food.

**ICRC and the civil society**

Afghan Red Crescent volunteers honed their communication skills at ICRC-run training sessions, enabling the National Society to increase its support to ICRC efforts to promote humanitarian principles and neutral, impartial and independent humanitarian action and to enhance its own awareness-raising activities. Influential community leaders, such as elders, teachers, members of shura councils and representatives of NGOs, learnt more about the Movement and basic IHL during bilateral meetings, presentations and round-tables, supported by local-language publications. Media correspondents produced articles and features accurately covering humanitarian issues and Movement activities, drawing on ICRC briefings and press releases. Furthermore, the BBC World Service worked with the ICRC to broadcast messages promoting safe access to health care through local-language radio programmes listened to by millions. To stimulate interest in IHL, university lecturers were given teaching resources, while two of them took an online post graduate diploma course. Meanwhile, students attended ICRC-run events and participated in a regional moot court competition.

**Supporting the Red Cross and Red Crescent movement**

The Afghan Red Crescent remained the ICRC’s main operational partner in providing relief and medical care to conflict victims, many of whom were beyond the reach of other humanitarian actors. It received technical, financial and material support for these and other activities benefiting conflict victims and for its own institutional development. Heads of branches and regional offices and other National Society staff attended workshops on management in general and on volunteer management in
particular, the latter with additional support from the Swedish Red Cross, while office equipment made day-to-day administrative tasks easier. Training in the Safer Access approach and four motorbikes improved operational reach. Movement partners in Afghanistan met regularly to coordinate activities.

It is reasonable to conclude the United Nations was instrumental in obtaining a negotiated Soviet withdrawal under the terms of the 1988 Geneva Accords. In the aftermath of the Accords, the United Nations assisted in the repatriation of refugees and provided humanitarian aid such as food, health care, educational programs, and support for mine-clearing operations. From 1990-2001, the UN worked to promote a peaceful settlement between the Afghan factions as well as provide humanitarian aid. Since October 2001, the UN has played a key role in Afghanistan through the UN Assistance Mission to Afghanistan (UNAMA), including spearheading efforts to organize the Afghan presidential elections held in October 2004 and National Assembly elections held in 2005.62

More than 5.7 million refugees have voluntarily repatriated to Afghanistan in the last 10 years, of whom more than 4.6 million were assisted to do so by ICRC. Nonetheless, some 2.7 million Afghans continue to live in exile in neighbouring countries. An international conference in Geneva in May 2012 brought the Governments of the Islamic Republics of Afghanistan, Iran and Pakistan, ICRC and donors together to endorse a Solutions Strategy for Afghan Refugees, which aims to pursue voluntary repatriation, sustainable reintegration and assistance to host countries.

The security situation in Afghanistan continues to be volatile, and obtaining humanitarian access to many areas remains impossible. The lack of security continues to be the main cause of displacement. ICRC estimates that as of mid-2012, some 425,000 Afghans were internally displaced. ICRC pursues innovative practices to gain access to people of concern, track population movements and provide assistance to the vulnerable through a network of partners throughout the country.

In a way Afghanistan has earned the dubious distinction of having produced the world's single largest refugee community for the 22nd year. As per the estimates of the United Nations, over four million Afghans, nearly one-sixth of the population, are

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62 Fiona Terry, The International Committee of the Red Cross in Afghanistan: reasserting the neutrality of humanitarian action, Article, International Review of the Red Cross, No. 881, 31-03-2011.pp 34
currently refugees - an estimated 2.5 million in Pakistan and 1.5 million in Iran. Millions of others are lining up at the borders to be allowed to cross over. About 800,000 Afghans had to leave their homeland in the period between September 2000 and August 2001.

As the U.S. and coalition forces begin to draw down their forces and transition responsibilities to the Afghan Government, ISAF (International Security Assistance Force) must mitigate further displacement and ensure that the Afghan Government takes greater responsibility for the protection of displaced people. In addition, the UN must strengthen its capacity to respond to the growing humanitarian needs.

Since the invasion of the country by the Soviet Union in 1979, Afghans have suffered much more than any other people around the globe. Millions of them perished in the proxy war between the United States and the Soviet Union on Afghan soil. The Soviet withdrawal brought about little change in life in the country as it soon plunged into a civil war. The U.S. and its allies, who poured billions of dollars into the country and supplied loads of arms and ammunition, disappeared from the scene the moment they achieved their goal - the Soviet defeat. The "international community" lost interest in Afghanistan once the last Soviet soldier left the country. The world that made Afghanistan the theatre of a Cold War conflict has paid scant attention to the plight of its people.

As neighbours and other vested interests played games in their endeavour to install a regime of their choice in Afghanistan, warlords and thugs emerged all over the country carving out little empires for themselves. There are numerous tales of plunder, destruction and molestation until the Taliban emerged on the scene in 1994 and gradually began gaining control. But while the Taliban ensured a semblance of law and order, it imposed a writ of its own. The puritan militia with its mediaeval mindset enforced its own version of Islam. Women were the worst-hit. Thinking sections of the populace became enemies of the Taliban; thousands of professionals are supposed to have left their homeland in search of a dignified life. Violence has been increasing in intensity and spreading to previously peaceful areas. The gains made in improving health and educations are increasingly fragile due to insecurity, corruption, and the politicization of aid. While the international community has acknowledged that the problems in Afghanistan will not be solved by military means alone, the U.S. strategy continues to focus on security objectives and fails to address the needs of the most vulnerable Afghans.
Meanwhile a Security throughout Afghanistan continues to deteriorate, making it difficult for the United Nations and aid agencies to reach communities in need. Conflict-induced displacement is on the rise. Afghan civilians are caught in the middle of an intensifying military campaign by ISAF and Afghan forces against a fractured armed insurgency, and the simultaneous rise of U.S.-funded and trained community defense forces like the Afghan Local Police (ALP) only makes the situation more explosive. The lines between military and humanitarian mandates have also been dangerously blurred over the past 10 years.

There are now over 450,000 internally-displaced people in Afghanistan, including 161,000 who were displaced in the first nine months of 2011 – a 65 percent increase compared to the same period in 2010. Refugees returning from Iran and Pakistan are also vulnerable and continue to face an uncertain future. In addition, vulnerable communities continue to be severely affected by floods, landslides, drought, and earthquakes each year. A drought in 2011 left an estimated 2.6 million people food insecure. The chronic need for humanitarian aid requires a sustained commitment from the United Nations and international community to address the root causes of poverty.

The Amnesty International has urged the international community to take the responsibility for the unfolding humanitarian crisis. "Pakistan, Iran and Tajikistan must reopen their borders and provide protection to Afghan refugees. The international community must offer protection and relief immediately and provide adequate resources to the UNHCR for it to carry out its mandate in an effective manner. The Amnesty has pointed out that neighbouring states have certain obligations under international law. States are prohibited from returning anyone against their will directly or indirectly to another country where they are in danger of serious human rights abuses.

World Food Programme (WFP) officials say that the foodstocks in Afghanistan will last only until mid-October. Since they, and the non-Governmental organisations who used to work with them, have been forced to evacuate, there is no way the stocks can be disbursed or replenished. Food distribution has come to a virtual standstill.

Afghan refugees continue to arrive in India and there has been large-scale displacement of people. India has engaged actively with the Government of Afghanistan in building the economy. A solution/strategy for the Afghan refugees agreed to between the three Governments and the UNHRC was presented to the international community,
and was approved in Geneva. India is already running the biggest cooperation programme in Afghanistan. Indian involvement is an important factor in trying to create conditions for the country to march towards a sustainable development. The Indian programme is the largest programme in Afghanistan.