

I. Summary

I tried to stop it from happening but the kidnappers said they would shoot me. My son was crying. My wife tried to stop them too but they pushed her back.

—Father of an abducted young man, October 2006

We saw our children on the top floor of [Karuna's political party] office. We were three mothers of children taken from here. The children signaled to us that we should go or they would get hit.

—Mother of an abducted child, October 2006

I personally say to you: I do not like these things. I don't like child recruitment and abduction.

—V. Muralitharan, a.k.a. Col. Karuna, November 2006

Throughout the two-decade long civil war in Sri Lanka, the Liberation Tigers of Tamil Eelam (LTTE), an ethnic Tamil armed separatist group, has consistently recruited and used children in armed combat. The LTTE has deployed children in mass attacks during major battles. It has used them as infantry soldiers, security and intelligence officers, medics, and even suicide bombers.

Now the Sri Lankan government through a proxy force is implicated in some of the same abuse.

The perpetrator is the so-called Karuna group, an armed faction under the command of a former LTTE senior commander known as Colonel Karuna, who split from the LTTE with his forces in March 2004. In the past year, reports have increasingly linked Sri Lankan security forces with the Karuna group in their common fight against the LTTE.

Throughout 2006, but especially since June, the Karuna group has abducted and forcibly recruited at least 200 Tamil children in Sri Lanka's eastern districts, where the group is active—the real number is up to three times higher due to underreporting.

Children are not the only targets. The Karuna group has also abducted and forcibly recruited hundreds of young men between ages 18 and 30. The pattern and intensity of the abductions reveal a coordinated effort to increase the numbers of Karuna's force.

At least since June, and probably before, the Sri Lankan government has known about the abductions. The areas where they have taken place are firmly under government control, with myriad military and police checkpoints and security force camps. No armed group could engage in such large-scale abductions, and then hold and train the abductees for combat in established camps, without government knowledge and at least tacit support.

In June 2006, the UN Children's Fund (UNICEF) issued a public statement noting dozens of child abductions by the Karuna group and calling for government action to halt the abuse. In July 2006 a group of 48 mothers submitted to the Sri Lankan Supreme Court a list of their abducted sons—boys and young men—with detailed information holding the Karuna group responsible. This submission was copied to President Mahinda Rajapakse and the minister for disaster management and human rights.

Throughout 2006, Karuna forces abducted boys and young men from their homes, work places, temples, playgrounds, public roads, camps for the internally displaced, and even a wedding. While the group primarily targeted males between 15 and 30, the youngest confirmed abduction was of an 11-year-old boy. In only two known cases did the Karuna group abduct a girl. It generally targeted poor families, and often those who had already had a child recruited by the LTTE.

Human Rights Watch investigated 20 abductions attributed to the Karuna group in the eastern districts of Ampara, Batticaloa, and Trincomalee by interviewing the abductees' close relatives, as well as witnesses, human rights groups, and humanitarian agencies. Eleven of the abducted individuals were children and 9 were adults. Relatives and eyewitnesses gave detailed and consistent testimony about the abductions and their efforts to get their sons back, including visits to Karuna camps and political party offices, where a number of parents saw their abducted sons and the men who had taken them away.

In one incident, soldiers from the Sri Lankan army gathered seven boys and young men in a field, checking their IDs and taking photographs. Members of the Karuna group arrived that night and abducted four of these seven, although it remains unclear in this instance whether the army forces were purposefully cooperating with the Karuna group. On the same day in another village, the Karuna group abducted 13 boys and young men, holding some of them for a while in a shop. Across the street was an army post and some of the parents pleaded with the soldiers to intervene. Two soldiers spoke with the Karuna group members, parents told Human Rights Watch, but the soldiers did not stop the abduction.



A mother in Batticaloa district holds the identity card of her son, abducted by the Karuna group.
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After abducting boys and young men, the Karuna group often holds them temporarily in the nearest office of its political party, the Tamil Makkal Viduthalai Pulikal (Tamil Peoples Liberation Tigers or TMVP). As with other political party offices in Sri Lanka, their offices are frequently guarded by the Sri Lankan army and police. Parents in Ampara and Batticaloa districts told Human Rights Watch that they either saw their abducted sons in these offices in the days after abduction, or TMVP officials confirmed to families that they had been there.

After a few days, the Karuna group usually transferred abducted children and young adults to one of its camps in the area northwest of Welikanda town in the Polonnaruwa district, about 50 kilometers northwest of Batticaloa town. Welikanda is where the Sri Lankan Army's 23rd division, currently commanded by Brigadier Daya Ratnayake, has its base.

According to parents who visited the camps and humanitarian workers familiar with the area, the Karuna group maintains four or five camps about ten kilometers west of Welikanda (see map). That area is firmly under government control, as is the main A11 road from the eastern districts to the Welikanda area. Transporting several hundred abducted youth during the year to the Karuna camps would have been impossible without the complicity of government security forces: travel through the area necessitates passing through numerous checkpoints of the army and police. When Human Rights Watch drove the roughly 50 kilometers stretch between Welikanda and Batticaloa town on October 13, 2006, researchers counted more than 14 checkpoints, ranging in size from mobile controls to permanent camps.

The government and the Karuna group have repeatedly denied any coordination between them. "We have been right throughout denying that we are involved with them," Sri Lankan defense spokesperson Keheliya Rambukwella told the media, referring to the Karuna group.¹ Karuna concurred. "We do not cooperate with the army and the army does not cooperate with us," he told Human Rights Watch in November 2006.²

But for residents of Sri Lanka's eastern districts, government complicity in Karuna abductions is an obvious fact. Tamil and Muslim civilians in Ampara, Batticaloa, and Trincomalee districts say they have seen Karuna members working with the army and police at checkpoints to check IDs, and that armed Karuna cadre walk freely through villages and towns in areas under government control.

¹ Anthony Deutsch, "Government-condoned Militia Abducting Hundreds on Sri Lanka's East Coast," Associated Press, October 4, 2006.

² Human Rights Watch telephone interview with V. Muralitharan, a.k.a. Colonel Karuna, November 29, 2006.

Some parents of abducted sons told Human Rights Watch that the military stopped them on the way to visit their children in Karuna camps. The parents gave their names to the soldiers, who then informed the Karuna group that the parents were on the way. “The head of our group gave the names of our kids to the army officer at the checkpoint and the camp we were going to,” said the mother of an abducted 16-year old who traveled with a group of parents to visit their children. “The army let us go.”³ In another case, Sri Lankan soldiers spoke with the mothers of abducted children while they were trying to see their sons at a Karuna camp. The mother of an abducted 18-year-old said the soldiers were aware of their presence and the reason for the visit but did nothing to secure the children’s release.



Sign for a police checkpoint on the A4 road south of Batticaloa town. Checkpoints of the police and army are ubiquitous along the main roads in the east. © 2006 Fred Abrahams/Human Rights Watch

Among international aid workers in the eastern districts, the connection is also clear. “Recruitment is happening openly and with impunity,” one international aid worker said. “It’s incomprehensible for us that the government would say they don’t know

³ Human Rights Watch interview with mother of abducted boy, Batticaloa district, October 2006.

what's going on." Staff members of two international agencies told Human Rights Watch that the easiest way for them to contact the Karuna group was through the Sri Lankan military.

The Sri Lankan police are also complicit due to their unwillingness to seriously investigate complaints filed by the parents of abducted boys and young men. In some cases the police reportedly refused to register a parent's complaint. In other cases the police registered the complaint but failed to undertake what the family considered a proper investigation. In no known case did the police secure the child's release. Some families did not report the abduction to the police, either out of fear or because they doubted the police would do anything to help their case. "If the TMVP knows I'm here talking with you they'll come at night and shoot me," the aunt of one abducted 18-year-old told Human Rights Watch.⁴

The Sri Lankan government has promised to take some steps. When Allan Rock, the special advisor to the UN special representative for children and armed conflict raised allegations about Karuna group abductions and use of children as soldiers in November 2006, President Rajapakse said he would order an investigation to determine whether any security forces were complicit in the crimes. According to the special advisor, the president promised to hold accountable those who violated the law.⁵

Despite these promises, it remains unclear what the government has done to investigate the serious allegations going back over six months. In December the army reportedly began an investigation into the 48 cases reported by parents in July. According to local human rights groups, however, the army pressured many of the families to label the perpetrator as an "unidentified armed group."

On November 21, Human Rights Watch wrote to President Rajapakse to ask how the government would conduct its investigation (see Appendix I). As of January 15, 2007, the president's office had not replied. On December 1, the minister for disaster management and human rights told Human Rights Watch that the government had

⁴ Human Rights Watch interview with aunt of abducted boy, Batticaloa district, October 2006.

⁵ Statement from the Special Advisor on Children and Armed Conflict, <http://www.un.org/children/conflict/pr/2006-11-13statementfromthe127.html> (accessed January 9, 2007).

recently instructed the police to investigate child abduction cases in the east. As of January 15, however, there was no evidence that the police were more responsive to abduction complaints.

Karuna denied to Human Rights Watch allegations that his forces were recruiting children and carrying out abductions. His forces had no members under age 20, he said, and they would discipline any commander who tried to recruit a person under that age. He subsequently promised to cooperate with UNICEF on protecting children, provide access to his camps, and to release any child found among the Karuna group's ranks.

On January 2, 2007 the TMVP provided UNICEF with regulations for its military wing, stating 18 as the minimum age for recruitment, and specifying penalties for members who conscript children (see Appendix V).

Contrary to these pledges, however, Karuna group abductions of boys and young men in the eastern districts persist. Although no complete figures are available, local human rights activists and international agencies report that the Karuna group continued to abduct boys and young men in November and December 2006. According to UNICEF, the Karuna group also released six children during that time.⁶

Since the 2002 ceasefire agreement, the LTTE continued to recruit children for its forces, including by carrying out abductions. Most recently, on December 18 the LTTE abducted 23 girls and boys and two teachers in Ampara district. After a local outcry, the LTTE claimed it was a mistake and released the children the following day, each of them already with military-style shaved heads. According to an LTTE spokesman, the LTTE had taken unspecified disciplinary action against the responsible cadre.⁷

Under Sri Lankan law, forcible or compulsory recruitment of children is a crime punishable by up to 20 years imprisonment. In addition, the Karuna group and the LTTE are both violating international humanitarian law (the laws of war) by recruiting and

⁶ Data supplied to Human Rights Watch by UNICEF, January 12, 2007.

⁷ LTTE political wing press release, "The Unfortunate Situation of Child Rights as a Propaganda Tool," December 22, 2006 and "Tamil Tigers Free 23 Children After Abduction 'Mistake'," Agence France-Presse, December 19, 2006.

using children as soldiers, and by forcibly recruiting adults. The Sri Lankan government is also in violation of international law by facilitating child recruitment by the Karuna group and failing to take feasible measures to prevent such recruitment and secure the release of recruited children and forcibly recruited adults. Individuals responsible for recruiting children under the age of 15 into armed groups may be criminally responsible for acts amounting to war crimes under customary international law.

This report calls on all parties to the armed conflict in Sri Lanka—the government, the Karuna group and the LTTE—to immediately end the recruitment of children into armed groups and all forced recruitment. The Sri Lankan government should conduct a thorough investigation of members of the security forces complicit in such recruitment, and bring them to justice, regardless of rank.

The report urges all donor governments—the United States, India, the European Union, Norway and Japan—to pressure both the Karuna group and the LTTE to immediately end their recruitment and use of children, as well as the Sri Lankan government to take all feasible steps to stop child recruitment and abductions by the Karuna group. Donors should insist that children as well as all persons forcibly recruited by the Karuna group be immediately released to UNICEF and returned home.

The report also calls on the United Nations Security Council to adopt targeted measures against the LTTE in response to the LTTE's persistent failure to end its recruitment and use of child soldiers. In resolution 1539 (2004), the Security Council stated that it would consider such measures against parties to armed conflict that fail to enter into action plans to end child recruitment or to meet the commitments in their plans. The LTTE has repeatedly failed to meet its commitments to end the recruitment and use of child soldiers, including those in the 2003 action plan agreed with the government. It has now been named by the secretary-general in four consecutive reports to the Security Council for violating international standards in this regard.

The secretary-general identified the Karuna group for child recruitment violations for the first time in his most recent report on children and armed conflict, in October 2006. Consistent with resolution 1539, the Security Council should insist that the

Karuna group, both the TMVP and its military wing, immediately adopt and implement an action plan to end all recruitment and use of child soldiers. If the Karuna group fails to do so, the Security Council should consider targeted measures following receipt of the secretary-general's next report to the Security Council on children and armed conflict.

The resurgence of major military operations in Sri Lanka in 2006 has fueled the LTTE's continued use of children as soldiers and the Karuna group's adoption of the practice. Despite the illegality of using child soldiers under domestic and international law, the likelihood of continued fighting in the near future will maintain the pressure for recruiting more children to be fighters—unless there are serious efforts to make it stop.

Methodology

Human Rights Watch has published more than fifteen in-depth reports on the recruitment and use of children as soldiers by governments and non-state armed groups throughout the world. We have previously documented the practice in Angola, Burma, Burundi, Colombia, the Democratic Republic of Congo, Lebanon, Liberia, Rwanda, Sierra Leone, Sudan, and Uganda. A previous Human Rights Watch report on child recruitment in Sri Lanka, "Living in Fear: Child Soldiers and the Tamil Tigers in Sri Lanka," was published in 2004.

This report is based on a month-long research mission in Sri Lanka in October 2006. It presents information from 24 interviews with 20 families of abducted boys and young men in the districts of Ampara, Batticaloa, and Trincomalee (16 mothers, four fathers, two sisters, one grandmother, and one aunt), as well as witnesses to abductions. In addition, Human Rights Watch spoke with Sri Lankan human rights activists and humanitarian aid workers, as well as foreigners working in Sri Lanka with international humanitarian organizations.

For reasons of security, many people spoke to Human Rights Watch on the condition that the report not mention their names or other identifying information. We also omitted details about individuals and incidents where we believed that information could place a person at risk.

On November 21, 2006 Human Rights Watch wrote to Sri Lankan President Mahinda Rajapakse and to the Ministry of Disaster Management and Human Rights to ask for information about government attempts to investigate abductions and forced recruitment by the Karuna group (see Appendix I). A follow-up letter was sent in early December. As of January 15, 2007, neither the president's office nor the ministry had replied.

On November 22, Human Rights Watch wrote a letter regarding abductions and forced recruitment to V. Muralitharan, a.k.a. Colonel Karuna (see Appendix II). V. Muralitharan contacted Human Rights Watch by telephone on November 29, and his views are reflected in this report.

On November 28, Human Rights Watch wrote to S.P. Tamilselvan, head of the LTTE's political wing, to ask about LTTE efforts to end the use of child soldiers (see Appendix III). SP Tamilselvan replied in a letter dated December 5, 2006 (see Appendix IV).

In this report, consistent with international law, the words "child" and "children" refer to anyone under the age of 18.

II. Recommendations

To the Karuna Group (TMVP and its military wing)

- Immediately stop all recruitment of children, including voluntary enlistment as well as recruitment effected by abduction or other force or coercion;
- Immediately cease the forced recruitment of all persons;
- Immediately cease the use of children in combat operations;
- Immediately release children and all others forcibly recruited for Karuna forces and cooperate with UNICEF in ensuring their safe return to their families;
- Take all appropriate steps to ensure Karuna group commanders and other cadre do not recruit children into Karuna forces, and provide the international community with documentation (through UNICEF or the Office of the High Commissioner for Human Rights (OHCHR)) of disciplinary actions taken against Karuna cadre responsible for such recruitment;
- Take all appropriate steps to ensure Karuna group commanders and other cadre do not forcibly recruit any person, and provide the international community with documentation (through UNICEF or the Office of the High Commissioner for Human Rights (OHCHR)) of disciplinary actions taken against Karuna cadre responsible for such recruitment;
- Publish in Sinhala and Tamil languages the Karuna group's policy not to recruit children, and disseminate it broadly in areas where the Karuna group is active;
- Allow UNICEF, SLMM, and other domestic and international protection agencies access to all Karuna group camps, military and otherwise, to assess the age of recruits, and to identify children for demobilization.

To the Government of Sri Lanka

- Immediately end all cooperation with the Karuna group in the recruitment of children and in abductions;

- Immediately launch an investigation into the involvement of government security forces in the recruitment of child soldiers and abductions by the Karuna group, and hold accountable those complicit, regardless of rank;
- Take immediate steps to locate children recruited and all others forcibly recruited by the Karuna group and secure their return to their families, with follow-up protection;
- Together with UNICEF conduct unannounced inspections of the Karuna camps and TMVP offices listed in this report and others recently established;
- Close all camps of the Karuna group in government controlled areas that are used for the recruitment and training of children;
- Enact and enforce criminal penalties against individuals and groups who recruit children under the age of 18 into armed groups;
- Instruct the police to actively investigate all reported cases of abduction of children and all others by the Karuna group, and take disciplinary or criminal action against those who fail to do so;
- Cooperate with humanitarian agencies to create corridors of safe passage for international agencies and monitors to investigate and follow up on reports of child and forced recruitment in areas of LTTE control;
- Work with donor governments to establish an international human rights monitoring mission under United Nations auspices to monitor government, Karuna group, and LTTE violations of human rights and international humanitarian law, including abductions and child recruitment;
- Amend the Emergency (Prevention and Prohibition of Terrorism and Specified Terrorist Activities) Regulation No. 7 of 2006 to exclude as an offense the participation of children under the age of 18 in groups engaged in terrorism, and the participation of any person based on having been forcibly recruited;
- Submit to the UN Committee on the Rights of the Child Sri Lanka's overdue initial report on compliance with the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;
- Ratify the Rome Statute of the International Criminal Court.

To the Liberation Tigers of Tamil Eelam (LTTE)

- Immediately stop all recruitment of children, including voluntary enlistment as well as recruitment effected by abduction or other force or coercion;

- Immediately cease the use of children in combat operations;
- Immediately release all children from LTTE forces and give those recruited before age 18 the option to leave;
- Cooperate with UNICEF in ensuring the safe return of all child soldiers to their families;
- Take all appropriate steps to ensure LTTE commanders and other cadre do not recruit children under the age of 18 into LTTE forces and provide the international community (through UNICEF or the OHCHR) with documentation of disciplinary actions taken against LTTE cadre responsible for such recruitment;
- Cooperate with humanitarian agencies to create corridors of safe passage for international agencies and monitors to investigate and follow up on reports of child and forced recruitment in areas of LTTE control;
- Allow UNICEF, SLMM, and other domestic and international protection agencies access to all LTTE camps, military and otherwise, to assess the age of recruits, and identify children for demobilization.

To All Donor Governments

- Urge the Karuna group and the LTTE to immediately end all recruitment of children and all persons forcibly recruited, and to release all children and abductees currently in its forces;
- Urge the government of Sri Lanka to take all feasible measures to
 - end the involvement of government security forces in the recruitment—whether forced or voluntary—of children and the forced recruitment of all persons by the Karuna group;
 - secure the release and return of all children recruited, and all persons forcibly recruited, by the Karuna group and
 - conduct a thorough investigation of individuals involved in such recruitment, and bring them to justice, regardless of rank;
- Work with the Sri Lankan government to establish an international human rights monitoring mission under United Nations auspices to monitor government, Karuna group, and LTTE violations of human rights and international humanitarian law, including child recruitment and abductions.

To the United Nations Security Council

- In light of the LTTE's continuing use of children in its forces and in accordance with Security Council Resolution 1539 on children and armed conflict (April 22, 2004) and Security Council Resolution 1612 (July 26, 2005), adopt targeted measures to address the LTTE's persistent failure to end its recruitment and use of child soldiers. Such measures could include the global imposition of travel restrictions on leaders and their exclusion from any governance structures and amnesty provisions, a ban on the supply of small arms, a ban on military assistance, and restriction on the flow of financial resources.

To All United Nations Member States

- In accordance with Security Council Resolution 1379 on children and armed conflict (November 20, 2001), use all legal, political, diplomatic, financial, and material measures to ensure respect for international norms for the protection of children by the parties to the conflict. In particular, states should unequivocally condemn the continued recruitment and use of child soldiers by the Karuna group and the LTTE, and withhold any financial, political, or military support to these groups until they end all child recruitment and release all children currently in their forces.